5738. Also, resolutions adopted by the Texas Chamber of Commerce, relative to section 28 of the Jones shipping bill; to the Committee on the Merchant Marine and Fisheries.

5739. By Mr. CULLEN: Resolution adopted by the American Marine Association of New York City, indorsing Senate bill 3217 and House bill 10644 and urging their early passage; to the Committee on the Merchant Marine and Fisheries.

5740. By Mr. CURRY: Resolution of the Henry W. Lawton Camp, United Spanish War Veterans, at their nineteenth annual encampment, favoring the retention and development of the Mare Island Navy Yard; to the Committee on Naval Affairs.

5741. By Mr. KIESS: Petition of residents of Millport, Pa., protesting against the passage of House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

5742. By Mr. KISSEL: Petition of Naval Militia, New York City, N. Y., relative to an additional appropriation for the Naval Reserve Force; to the Committee on Appropriations.

5743. Also, petition of board of estimate and apportionment, city of New York, N. Y., indorsing the Bacharach bill; to the Committee on the Judiciary.

5744. By Mr. LINTHICUM: Petitions of Regal Laundry, Baltimore, and Manhattan Laundry Service Corporation, Washington, protesting against duties levied on foreign vegetable oils, etc.; also petitions of Merchants and Manufacturers Association and Doyle & Keyser, Baltimore, protesting against proposed duty on linens; also petition of Hendler Creamery Co., Baltimore, protesting against proposed tariff on salt; also petition of Baugh & Sons Co., Baltimore, protesting against proposed tariff on potash, etc.; also letters protesting against insufficient tariff on canned goods; to the Committee on Ways and Means.

5745. Also, petition of James H. Jones, Baltimore, Md., favoring passage of Bursum and Morgan bills for benefit of Civil War veterans; to the Committee on Invalid Pensions.

5746. Also, petition of Charles F. Namuth, Baltimore, favoring increase of retirement amount to each individual; to the Committee on Reform in the Civil Service.

5747. Also, petition of North Carolina Pine Box & Shook Manufacturing Co., Baltimore, protesting against transfer of United States Forest Service from Department of Agriculture to Department of Interior; to the Committee on Agriculture.

5748. Also, petition of C. F. Macklin, Baltimore, favoring extra appropriation for training of civilian portion of Naval Reserves; to the Committee on Appropriations.

5749. Also, petition of Rev. J. Howard Braunlein and John C. Thomas, Baltimore; S. E. Persons, Annapolis; and Rev. W. H. Settlemeyer, Middletown, Md., appealing for proper protection to the Armenians; to the Committee on Foreign Affairs.

5750. By Mr. MACGREGOR: Resolutions adopted by the Presbytery of Caledonia at Mumford, N. Y., indorsing House Joint Resolution No. 131, relative to prohibiting polygamy and polygamous marriages in the United States, and also Senate Joint Resolution No. 31, relative to enacting uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5751. Also, resolution adopted by the Presbytery of Caledonia at Mumford, N. Y., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5752. Also, resolution adopted by the council of the city of Buffalo indorsing the river and harbor bill; to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, *May 24, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 2263) to amend the Federal reserve act approved December 23, 1913, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. LADD presented a resolution adopted at the annual meeting of the Pennsylvania Branch, Women's International League for Peace and Freedom, at Philadelphia, Pa., favoring the prompt declaration of a general amnesty by the President of the United States, which was referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented a memorial of sundry citizens of Oakland, Calif., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Santa Rosa Chamber of Commerce, of Santa Rosa, Calif., protesting against any present change in the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a resolution adopted by Golden Rule Lodge, No. 90, Ancient Free and Accepted Masons, of North Topeka, Kans., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. SHEPPARD presented resolutions adopted by the Presbytery of Brownwood, Presbyterian Church, at Winters, Tex., favoring amendments to the Constitution prohibiting polygamy and providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Brownwood, Presbyterian Church, at Winters, Tex., favoring the enactment of legislation providing for Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. NEWBERRY presented resolutions adopted by the Presbytery of Grand Rapids, Presbyterian Church, at Grand Rapids, Mich., favoring amendments to the Constitution prohibiting polygamy and providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Grand Rapids, Presbyterian Church, at Grand Rapids, Mich., favoring the enactment of legislation providing for Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF THE COMMITTEE ON NAVAL AFFAIRS.

Mr. NEWBERRY, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy (Rept. No. 722); and

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy (Rept. No. 723).

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they presented to the President of the United States the following enrolled bills:

On May 20, 1922:

S. 1162. An act declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream; and

On May 22, 1922:

S. 2919. An act to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 3640) for the relief of the estate of James W. Mardis; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 3641) to grant and confirm to the State of Florida title in and to sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes; to the Committee on Public Lands and Surveys.

FIRST LIEUT. WILLIAM EDWARD TIDWELL.

Mr. FLETCHER. I ask unanimous consent that I may withdraw report No. 694 of the Committee on Military Affairs, which accompanies the bill (S. 1672) for the appointment of William Edward Tidwell as first lieutenant in the United States Army, and substitute another report which is somewhat fuller than the original.

The VICE PRESIDENT. Without objection, leave will be granted.

TARIFF BILL AMENDMENTS.

Mr. JONES of Washington submitted two amendments intended to be proposed by him to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

ST. LAWRENCE RIVER IMPROVEMENT.

Mr. MOSES submitted the following concurrent resolution (S. Con. Res. 24), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government engineers on the improvement of the St. Lawrence River from Montreal to Lake Ontario," of which 3,000 copies shall be for the use of the Senate Document Room, and 2,000 copies for the House Document Room.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. KELLOGG. I ask the Chair to lay before the Senate the amendments of the House to Senate bill 2263.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2263) to amend the Federal reserve act approved December 23, 1913, which were, on page 2, lines 2 and 3, to strike out "industrial, commercial interests," and to insert "industrial and commercial interests"; on page 4, line 18, to strike out "30 days after," and to insert "with"; on page 4, line 19, strike out "convenes"; on page 5, line 11, after "follows," to make a new paragraph and to insert "Sec. 324"; on page 5, line 20, to insert quotation marks before the word "no"; and on page 6, line 2, to insert quotation marks after the word "construction."

Mr. ROBINSON. I understand that the amendments which the House made to the bill relate more to form than to substance, and that none of them materially change the bill as passed by the Senate.

Mr. KELLOGG. That is quite true, except that a House amendment provides that the commission of the Federal Reserve Board shall expire with the next session of Congress instead of 30 days after.

Mr. ROBINSON. The Senator does not regard that as a material change?

Mr. KELLOGG. No; I do not. It does not affect the merits or change the substance.

The VICE PRESIDENT. The question is on agreeing to the amendments of the House.

The amendments were agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The Secretary will report the next amendment of the Committee on Finance.

Mr. NICHOLSON. Mr. President, I desire to call up my amendments to paragraph 213a, where I propose that a specific duty shall be imposed on amorphous graphite instead of the ad valorem duty proposed by the Finance Committee.

Mr. McCUMBER. It is satisfactory to return to that paragraph.

Mr. UNDERWOOD. What is the suggestion?

Mr. McCUMBER. To take up paragraph 213a.

The VICE PRESIDENT. The Secretary will report the proposed amendment of the committee.

The READING CLERK. On page 37, after line 8, the committee proposes to insert a new paragraph, as follows:

PAR. 213a. Graphite or plumbago, crude or refined: Amorphous, 10 per cent ad valorem; crystalline lump, chip, or dust, 20 per cent ad valorem; crystalline flake, 2 cents per pound. As used in this paragraph, the term "crystalline flake" means graphite or plumbago which occurs disseminated as a relatively thin flake throughout its containing rock, decomposed or not, and which may be or has been separated therefrom by ordinary crushing, pulverizing, screening, or mechanical concentration process, such flake being made up of a number of parallel laminæ, which may be separated by mechanical means.

Mr. UNDERWOOD. Mr. President, I have not anything to say on the paragraph, but I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Ernst	Jones, N. Mex.	Nelson
Borah	Fletcher	Jones, Wash.	Newberry
Brandegee	France	Kellogg	Nicholson
Broussard	Frelinghuysen	Kendrick	Oddie
Bursum	Glass	Ladd	Page
Calder	Gooding	Lodge	Pepper
Capper	Hale	McCumber	Phipps
Caraway	Harreld	McKinley	Poindexter
Culberson	Harris	McLean	Ransdell
Curtis	Harrison	McNary	Rawson
Dial	Heflin	Moses	Robinson
Edge	Johnson	Myers	Sheppard
Shortridge	Sterling	Wadsworth	Williams
Simmons	Sutherland	Walsh, Mass.	
Smith	Swanson	Walsh, Mont.	
Smoot	Underwood	Watson, Ga.	

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

Mr. HARRISON obtained the floor.

Mr. CARAWAY. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. NICHOLSON. Mr. President, will the Senator from Arkansas yield? I thought I had the floor. I had recognition from the Presiding Officer before the roll was called.

The VICE PRESIDENT. The Chair understood that the Senator from Colorado had yielded the floor.

Mr. CARAWAY. I shall not hold the floor very long.

Mr. NICHOLSON. How long does the Senator wish to hold the floor?

Mr. CARAWAY. I do not know, but not a great while.

Mr. NICHOLSON. If the Senator will kindly let me proceed, after I finish I shall be glad to yield the floor to him.

Mr. CARAWAY. There is a matter I desire to discuss right now. I would like to accommodate the Senator, but I do not want to yield the floor at this time.

The VICE PRESIDENT. The Senator from Arkansas is entitled to the floor, and will proceed.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, yesterday the titular Attorney General issued a statement. I desire to read it to the Senate:

The correspondence of former President Taft and Attorney General Wickersham, which was again published this month, clearly shows my connection with the Morse cases of many years ago, both civil and criminal. The incentive and motives inspiring this and other agitation will not accomplish the results hoped for by those behind the scenes.

The various prosecutions of war fraud cases will be carried out as expeditiously as possible, irrespective of these and other activities and attacks which will be expected. I have faith that the people of the country appreciate the situation and have confidence in the Department of Justice being fair, judicious, and effective.

The Washington Post in its headlines—and usually the Post knows what the administration thinks before the administration thinks it—says this morning:

Daugherty, meeting attacks, pushes war fraud cases—Replying to CARAWAY, he declares present activities, or others expected, will not halt prosecutions.

Just for historic accuracy I want to repeat what has heretofore been said. The resolution for investigation of the Department of Justice came not from CARAWAY, as the Post would imply, but from Congressman ROYAL JOHNSON, of South Dakota, and Congressman ROY WOODRUFF, of Michigan, both Republicans, both former service men, both men who laid down their civil employment at the call to arms and bared their breasts to the shot and shell of the country's enemy. I can not believe, Mr. President, that they are actuated by any desire to shield men who stayed at home and robbed their Government while they went out prepared to shed their blood in defense of it.

If Mr. Daugherty thinks the American people are going to believe that those two former soldiers, who had offered to die for their flag, are now attacking him to defend grafters who would not fight, Mr. Daugherty really never knew the true American. People like Felder, with whom he associated so intimately, do not represent the American sentiment, never did, and never will.

But the Attorney General is not candid, and I use that word to be polite. It is not what I mean, and what everybody knows. The Attorney General said that the letters of Mr. Taft and Mr. Wickersham "clearly disclose" his connection with the Morse case. They do not. They do not disclose the fact that Daugherty and Felder made a contract for a $25,000 fee contingent upon their ability to get Morse out of the penitentiary. He knows that.

Those letters do not disclose the fact that at the time they made the contract, Taft, as President, had already refused to grant a pardon or a commutation of sentence, and he knows that.

They do not disclose the fact which Felder disclosed in his letter of 1917, that when they, Felder and Daugherty, were in conference with Morse in the penitentiary, not knowing by what means they would approach the administration, they told Morse that his case looked hopeless, but that Taft had said they might call at a later date and get a different answer. They do not disclose that Morse then made another contract with them in which he agreed to pay these two gentlemen, these two ethical lawyers, $100,000 instead of $25,000 to accomplish the same result, nor that vague, uncertain promise "to make both of them rich." These letters of Taft and Wickersham do not disclose the fact, Mr. President, that in the conversation a "cue" was obtained—and I am using the exact language of

Felder—a "cue" was obtained from the appearance of Morse that maybe he was not in good health, and that with that idea in view they called in Doctor Fowler, who had been the physician of the penitentiary in Atlanta where Morse was first confined, and had him make an examination which "disclosed," according to Fowler, that Morse had "Bright's disease."

The letters to which Daugherty refers do not disclose that thereupon Daugherty and Felder came to Washington and got a promise in advance from Taft and Wickersham, the latter of whom was then the Attorney General, that if they could establish the fact that Morse's health was poor and that he was likely to die in confinement he would be released. That is not disclosed in those two letters which Daugherty says disclose his whole relation to the case.

The two letters do not disclose that they went back to Atlanta and had Morse examined by a board of physicians, which found that there was nothing seriously wrong with him. These letters do not disclose that they then had another board of physicians appointed and got a report that Morse was in a bad fix. These letters from Taft and Wickersham do not disclose that thereupon they had Morse put in some place outside of the penitentiary where he could be examined, and, incidentally, where Fowler could see him, of course. They do not disclose the fact, which Felder himself states, that the department had afterwards acquired evidence to show that each time before this board of physicians should examine Morse that Morse was given some kind of a chemical to make his kidneys bleed and thereby deceive the doctors. The Attorney General knows that these letters do not disclose that.

The Attorney General knows that they do not disclose the further fact that Morse had contracted with Daugherty and Felder in advance that he should submit to whatever course they might suggest; a contract the character of which I leave for every lawyer on the floor of the Senate and every one in this country to judge. No reputable lawyer would ever think of demanding of his client a contract which said, "You must do everything that we suggest." It is significant. It suggests, at least—I will not say it does, but it suggests—that they were going to frame up some kind of pretense on which they were to get him out, and in advance they made Morse sign away his right to tell the truth. They made him contract that he would submit to conditions they suggested, and it seems they suggested that he had "Bright's disease."

Daugherty knew that; and Felder has put in writing the fact that it was he, and not Morse, who found out that Morse had the "disease" that led to his commutation of sentence; that it was Daugherty and Felder who discovered that and it was Doctor Fowler who confirmed it. Incidentally, among the very first acts that the Attorney General did was to put back in his old position at the penitentiary at Atlanta this same Doctor Fowler, rewarding him for the deception he had helped them to perpetrate upon the President, Mr. Taft.

The Attorney General knows that none of those facts were disclosed in the two letters to which he calls attention. These letters do not disclose the fact that the Attorney General told the senior Senator from Indiana [Mr. WATSON] that he had had absolutely nothing to do with the Morse case. He knows they do not disclose those things.

Why, then, should the Attorney General have said yesterday that the two letters written in 1915 disclosed his entire connection with the Morse case when he knows they disclosed nothing of the significant parts of the Morse case at all? Oh, Mr. President, just merely as an illustration and not an accusation, I think it was Mark Twain who once said that a "lie is such a precious thing that you ought never to tell it if the truth would answer." I am not applying that language to the Attorney General; it is merely a suggestion. Why was he not candid about it?

I know he told the Senator from Indiana that he had nothing to do with the Morse case, and thereby induced the Senator from Indiana to make the statement which he did on the floor of the Senate when he, the Attorney General, knew he did have something to do with it. I have asked over and over again, Why did he deny his connection with this unsavory case?

Well, Mr. President, the Attorney General then, by way of what the affable Senator from New Hampshire [Mr. MOSES] calls "throwing up a smoke screen," intimates that he is being attacked because he is prosecuting war grafters. That charge is so foolish that I hesitate to believe the Attorney General made it; but I presume he did or the Washington Post would not have asserted it, because the Post knows absolutely; it has got first-hand information as to what the administration thinks or what it is going to think. If the statement had appeared in some other journal, there could have been some doubt about it, but, published in the Post, I know the Attorney General said it.

The charge, Mr. President, against the Attorney General for not enforcing the law, as I have said, came from ROYAL C. JOHNSON and ROY O. WOODRUFF, two Republican Members of Congress in the other House, both being former service men, both men whose character I know that no man will take the responsibility of questioning. Therefore, I know that when the Attorney General undertakes to blacken the reputation of those two Members of Congress of his own party in order to shield himself, he stoops lower than his friends thought it possible even for him to go.

Mr. President, it is a very unfortunate thing to write letters if the writer is going to make hurtful statements. I am going to read here some letters. Incidentally, and incidentally only, they reflect upon the former Secretary of War, Mr. Baker, and the present Secretary of War, Mr. Weeks. I am not going to follow the example of the Senator from New Hampshire and say that there is politics in it. I am not going to say one word in defense of former Secretary of War Baker. If he is guilty of wrongdoing he will never find me apologizing for him here or elsewhere. I am going to do, though, what the Senator from New Hampshire would not do; I am going to say in defense of the present Secretary of War, who is a Republican, that I do not believe he is dishonest; I do not believe that at all; I do not believe he was actuated by bad faith in anything he did, and it will take a great deal more evidence than the apparent circumstances to make me believe that he is anything but an honest man and a gentleman. I go that far for the present Secretary of War, who is a Republican, and to show that I have not any bias in the matter I shall say nothing in defense of the former Secretary of War, who is a Democrat. You can make what you will out of it.

Mr. President, let me go back for just a moment. These charges of Congressmen WOODRUFF and JOHNSON came about through a disclosure that former Maj. W. O. Watts made to ROYAL C. JOHNSON and ROY WOODRUFF of conditions which existed in the Attorney General's office. Watts was a special examiner. He made up his mind that the Attorney General was not going to enforce the law, and that grafters were going to be whitewashed and turned loose. After repeatedly trying to get the Attorney General to act, he went to the two Republican Members of Congress, and in the presence of a Republican Senator, who is now a Member of this body, disclosed what facts he had.

At their request and with their concurrence he made public this information by giving it to them and consenting that they should use it upon the floor. For that he was discharged, Mr. President, by a letter written by Assistant Attorney General Holland. I will read it again into the RECORD. It is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 24, 1922.

Mr. W. O. WATTS,
Special Agent, Department of Justice.

SIR: By direction of the Attorney General, you are dismissed from the service of this department, effective immediately upon receipt of this letter.

You are removed for disloyalty to the Department of Justice, inasmuch as you knowingly and willfully violated the rules of the department, which, as you must be aware, constitutes a breach of trust.

Upon application to the disbursing office of this department your salary will be paid up to this time.

Respectfully,

RUSH L. HOLLAND,
Assistant Attorney General,
(For the Attorney General.)

For the enlightenment of the Senate and the country, I want to read to the Senate the manly letter which Mr. Watts wrote in reply to the letter from the Assistant Attorney General. The letter is as follows:

718 NINETEENTH STREET NW.,
Washington, D. C., April 26, 1922.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Receipt is acknowledged of letter dated April 24, 1922, signed by Mr. Rush L. Holland, Assistant to the Attorney General, dismissing me "for disloyalty to the Department of Justice."

You are informed that I accept your characterization of my discharge as a distinct compliment, knowing the facts and circumstances involved, although it is wholly false and unjustifiable. It is particularly gratifying to me to note that you either did not feel warranted or have the moral courage to charge me with "disloyalty" to the Government. This, Mr. Attorney General, you can not do. My loyalty to the Government is well founded and of lifelong standing. I have followed and defended the flag in the Spanish-American War, the Philippine insurrection, and the late World War with honor and distinction, and I have performed every duty that has ever been assigned to me in a loyal and faithful manner; my record for loyalty is well known and unimpeachable.

My conception of loyalty in the highest sense is the defense and protection of the Government's interests under all circumstances and at all hazards. I do not recognize or subscribe to your theory of loyalty to corrupt an autocratic authority now so common in Government bureaus at Washington, which subverts the national welfare and public interests.

If you were at all informed on the departmental affairs of your high office, you must be aware of the outstanding facts that I have devoted more than two years of loyal and faithful efforts to protect

the interests of the Government when a combination of certain Government officials and other common crooks have been assaulting and raiding the public Treasury on a scale so gigantic as to be almost unbelievable.

You must be aware that even a private citizen is required by statute to report to the authorities the commission of a felony which comes within his knowledge. A public officer is further bound by oath to uphold the law, and when an agency of the Government ceases to function, it is the letter and the spirit of the law that appeal should be made to some authority of the United States which will be interested and enforce correction. The record is clear and clean cut and will show that organized interests are looting the Government, and no man can charge me with a breach of trust, so far as the interests of the people are concerned. The real issue is: Shall this be a government by Harry M. Daugherty and Abram F. Myers, or a government "of the people, for the people, and by the people"?

Disloyalty is a loathsome word, especially when applied to one who has responded to the call to arms in every crisis which has confronted the country during the past 25 years. You have seen fit in the prosecution of the war graft cases to deprive the Government of the services of men who have served their country in both peace and war and to surround yourself in this great work by men who sought and secured exemption from military service when these crimes were being committed. You are entitled to share with yourself your conceptions of loyalty, and the people can judge whether or not the stigma you have attempted to place upon myself and my children is just.

Tens of thousands of people have sojourned in Washington long enough to know that this country is being strangled by an invisible government, and the fight for righteous government has at last been forced into the open. I call upon every man, woman, and child in America, and especially my comrades of recent wars and every 100 per cent American in Congress, to join in the cry of "Down with Daughertyism."

Respectfully, W. O. WATTS.

A brief word about Watts, if I may. He was born in one of the poorest counties in my State, of a splendid family. When he was 10 years old he went to Tennessee. When he was a mere boy, when a call to arms came, when the Spanish-American War was declared, he laid aside his employment and carried a musket as a common soldier through the war with Spain and through the Philippine insurrection. He has in his possession what Daugherty can not take from him, an honorable discharge for honorable services rendered. When the war with Germany came he again laid aside his employment, though he is a man of family and no means, and again went into the service of his country and stayed with it honorably until the war was over. When the war was over he was put to investigating certain abuses in the War Department and discovered that grafters had looted the country while he and others were offering to die to save the country. He brought that to the attention of his superiors, and when he was ready to make his report Col. A. W. Yates, of the Quartermaster Corps, now in the Army, said to him, "Major"—he had reached the rank of major—"if you will change your report and make it favorable instead of adverse you will be commissioned a major in the Regular Establishment and put at the head of your class." He would have been a colonel now, Mr. President; and Watts, the man that Daugherty now attacks, the man that Daugherty kicked out of the public service, said, "I will not do it. I fought for my country, and I will not lie for a place to make a living under its flag."

He left the Army, Mr. President, though he had no means of support, and I have the testimony not of Democrats but of Republicans that he stayed on the job as a private citizen for months and months, without one penny of compensation, urging that somebody should prosecute these people. He knew that the Government had been robbed; he wanted to see the thieves brought to justice; and he worked day and night without a cent, and reported to the department having to deal with the prosecution of these cases.

The Republicans wanted to investigate the War Department when they came into control of the Government, and a resolution to that effect was passed in the House, and I voted for it. I do not want a thief protected, whether he is a Democrat or a Republican; I do not care who he is. I was perfectly willing for the facts to be known, and if the facts should not show that the officers of the Army had been honest or the contractors that had dealt with the Government had been honest, I then wanted and I now want the facts to be disclosed and I want the guilty punished to the full extent of the law.

Watts then became an investigator for the so-called Graham committee, a committee appointed in the House, of 10 Republicans and 5 Democrats, to investigate the War Department, these fraudulent contracts. Mr. GRAHAM of Illinois, a Republican—who, I understand, is to be appointed a judge to succeed Judge Landis—was made chairman. Watts reported to him without a bit of compensation, though Watts had been a Democrat. He reported to him, and gave him the information that he had, and worked for months without pay. Finally Graham paid him $250 for all that he had done.

But here is a letter that I want to read. This letter bears date of April 22, 1921, and shows who Watts is. It is addressed to Hon. John W. Weeks, and is as follows:

APRIL 22, 1921.

Hon. JOHN W. WEEKS,
Secretary of War, Washington, D. C.

DEAR SIR: We, the undersigned, late members of the Select Committee on Expenditures in the War Department, believe it will be to the best interest of your department and the service if Maj. W. O. Watts, late an officer in the Quartermaster Corps, be reinstated in your department, either in a civilian capacity or as a commissioned officer in the Quartermaster Corps.

He, in our judgment, is an efficient, honest, and capable man, and was removed from his rank entirely on account of his objections to questionable transactions in the Surplus Property and Sales Division of the War Department and because he did not submit to the same.

As some of the signers hereof have already stated to you personally, we believe he will be of great assistance to you in investigating matters which necessarily will come before you for investigation.

Very truly yours,

_____.

Who signed that letter, Mr. President? It will be rather interesting to know. The first signature is that of WILLIAM J. GRAHAM, the chairman of the committee, a Republican from Illinois, a Member of Congress whom you expect to elevate to the bench.

Who was the next? JAMES A. FREAR, a fearless Republican from Wisconsin.

Who was the next? JOHN C. MCKENZIE, a member of the Military Affairs Committee, a Republican Member of Congress from Illinois, a man of high character and long service.

Who was the next man? ROYAL C. JOHNSON, a Republican from South Dakota, a young man who voted against war because he was opposed to war, but when war came he laid down his commission as a Member of Congress and went out here to Camp Meade as a private soldier and served through the war and shed his blood on the fighting front in France. He came home and was reelected to Congress.

Who was the next man that signed this letter? C. F. REAVIS, an able, fearless Republican Member of Congress from Nebraska, a somewhat bitter partisan, but a fearlessly honest and able man. He signed it.

Who else signed it? WALTER W. MAGEE, an able Member of Congress, a Republican from the great State of New York, a man that the Republican Party has been attempting to make governor of the State.

Who is the next man that signed it? OSCAR E. BLAND, a Republican Member of Congress from Indiana, and one of the leaders on the Republican side of the House.

Who else signed it? ALBERT W. JEFFERIS, a Republican Member of Congress from Nebraska, a man who was one of the appointees during the war, who helped to shape some of the policies.

Who was the next? CLARENCE MACGREGOR, a Member of Congress from New York.

Then it is signed by five Democrats; I will omit their names, because I am offering Republican testimony altogether, so that the Senator from New Hampshire [Mr. MOSES] can be persuaded.

Let me read you another letter, Mr. President. Incidentally, let me remark, here are these nine Members of Congress, Republicans, testifying to the good character of Major Watts, and here is the Attorney General, under fire, who says Watts is trying to shield criminals. There is not a court or a jury anywhere in the land, if these men were put against Harry Daugherty on that issue, who would not find a verdict against Daugherty without leaving the jury box, and I know it.

Here is another letter:

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,
Washington, D. C., April 25, 1921.

Hon. JOHN W. WEEKS,
Secretary of War, Washington, D. C.

DEAR SIR: I am inclosing herewith a letter signed by 9 of the 10 Republican members of the late Select Committee on Expenditures in the War Department. The remaining Republican member, Mr. MCCULLOCH, is not in town, and hence I was unable to see him. I trust the letter will have your consideration, and, if possible, your early approval.

As I stated to you recently, Major Watts is a veteran of both the Spanish-American and World Wars. I have no doubt, on inspection of his record, that you will find it a creditable one in both instances. He is a Tennessean, and a man of very considerable capacity and ability.

Now, look here—

He could have retained his commission in the Army if he had been willing to refuse to notice matters that were going on within his jurisdiction where he felt the Government was being defrauded.

I am well aware that his appointment will not meet with the approval of General Rogers, Chief of the Quartermaster Corps, and of several other officers with whom he had dealings while in the service, and who feel resentful toward him. However, the fact remains that he was done a manifest injustice by these same officers, and was caused to suffer for doing what he considered to be his duty to the Government.

I would be very loath to ask any action, as would be the other members of my late committee, that would injuriously affect your department; however, I believe the reinstatement of Major Watts, in either a civilian or military capacity, will be the best example you can give

to those in your department of your desire to do complete justice, and to have every man and woman understand that their first duty is to defend the interest of the Government.

Yours respectfully, W. J. GRAHAM.

Here is another, Mr. President:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 22, 1921.

Hon. H. M. DAUGHERTY,
Attorney General of the United States,
Department of Justice, Washington, D. C.

MY DEAR MR. DAUGHERTY: In connection with the investigation relative to war contracts which you are initiating in your department, permit me to call your attention to Maj. W. O. Watts, a former officer in the Quartermaster Corps, and who served with distinction in both the Spanish-American and World Wars.

Major Watts has rendered invaluable assistance to the Select Committee on War Expenditures, and has demonstrated to me on every occasion his entire honesty and fealty to the Government. His information is so extensive that he would be of invaluable assistance in your investigation, and would save large expenditures of time and money in acquiring the information that your bureau must have. I know a great deal of adverse criticism has been made against him by officers in the War Department, but these criticisms have been made because he has opposed them in practices which were pernicious and contrary to the interests of the Government. I sincerely trust that you may find it possible to use him in some capacity. Since his discharge, on account of his refusing to stand for the practices in the War Department, he has been in Washington with his family, constantly endeavoring to enlist the attention of the authorities to the practices that were going on, and I have no doubt, by his unsupported efforts, he has thus far saved the National Treasury millions of dollars, but always without compensation and employment of any kind.

I sincerely trust that he may be employed by your investigating bureau.

Yours very truly, W. J. GRAHAM.

The same Member of Congress.

Here is another letter, Mr. President. I am glad they wrote them.

HOUSE OF REPRESENTATIVES,
Washington, June 22, 1921.

Hon. H. M. DAUGHERTY,
Attorney General of the United States, Washington, D. C.

MY DEAR MR. DAUGHERTY: I desire to invite your attention to Maj. W. O. Watts, formerly an officer in the quartermaster's section, War Department, during the recent war and who possesses first-hand information on the contracts entered into by the War Department, and which are now being investigated by you.

Major Watts's testimony before the Committee on War Expenditures, of which I am a member, greatly assisted the committee in making the findings which are now in your hands. His fidelity to principle was at all times manifest, and his dismissal from the War Department followed his activities in bringing the facts to light. After his discharge he continued to interest himself in the various contracts, and, despite rebuffs, endeavored without ceasing to interest high officials in safeguarding the Nation's rights under the agreements.

That his contentions have a basis in fact can not be disputed in view of the recent action of your department in canceling the so-called "harness contracts." This is one of the agreements to which Major Watts entered forceful objections, and his knowledge of the facts would be of immense value to you in the investigations of the entire matter. His discharge from the War Department is a credit to him, and demonstrates that he possessed and was anxious to divulge information which would bring certain individuals to justice.

I respectfully urge that you place Major Watts on the rolls in your department, and avail yourself of his valued aid.

Yours very truly,

ALBERT W. JEFFERIS, *Member of Congress.*

Mr. JEFFERIS is a Member of Congress from Nebraska, and a Republican. That is not all, Mr. President. Here is a very interesting letter, indeed. Here is one from the Department of Justice, dated Washington, D. C., June 27, 1921. It is a memorandum for Colonel Goff, the great prosecutor, and reads:

In response to your inquiry as to the status of former Maj. W. O. Watts I have to report the following:

Major Watts's assistance to the Department of Justice began in January of this year. The department had at that time been investigating the contract with the United States Harness Co., and it was learned that former Major Watts (and former Capt. George C. Bosson)—

By the way, he has been discharged also—

had recently testified before the Graham committee relative to the contract in question. On request from me Major Watts (and also Captain Bosson) promptly responded. Major Watts had an intimate knowledge of the conditions at the War Department as to personnel, methods, etc., and with a view to using him as a witness in the case I made free use of information which he brought.

Listen to this:

Major Watts has been most useful to the department and you will recall that I endeavored, with your approval, to get Mr. Secretary Weeks, in April, to reinstate both Major Watts and Captain Bosson in the War Department in order to secure the help there of which the Department of Justice was then sorely in need. You will probably recall that they were both appointed by Mr. Weeks, but the strong opposition to Major Watts caused Mr. Weeks—I feel because he did not fully understand all the circumstances—to revoke Major Watts's appointment 15 minutes after he had made it.

Major Watts's great interest in the case has caused him to continue to bring to the department much information which came to him from former associates. As a matter of fact, I believe that no day has passed since January that Major Watts has not called at the department, and the information which he has brought has been invaluable.

You will recall that I suggested to you, in view of the great help which Major Watts would be able to render in assisting in the preparation of the papers and securing further evidence for the criminal trial in the harness case—and several other cases which I believe will end in criminal prosecutions and recovery of money—that I hoped you would be able to appoint him as a special agent as soon as the contract with the harness company was canceled. The department could have used his full services to great advantage before this, but, in view of the strong opposition at the War Department to him, it seemed wise to defer his appointment until certain parties at the War Department could not use such appointment to prejudice our case. While I have not all the evidence to establish the fact definitely, there is no particle of doubt in my mind but that Major Watts was discharged from the Army because he reported dishonest methods, and his presence was unwelcome to some of the parties involved in the harness case, through whose influence his discharge was brought about. Major Watts can not be too highly commended for his untiring efforts to see that the right prevailed, and this when he was without income and has been compelled to go into debt for his actual living expenses for months past.

This memorandum seems unnecessarily long, yet I feel that you wish to know the various circumstances, particularly as to the past services rendered and to Major Watts's present needs, when you fix the amount of his compensation.

CHAS. B. BREWER,
Special Assistant to the Attorney General.

The Attorney General now is rather hard put to it, when, in order to shield himself from the righteous indignation of the American people, he in an interview says that Major Watts is trying to shield criminals. The man who would make that charge, in the face of what the Attorney General knows the facts to be, can not and will not retain the confidence of any honest, intelligent American citizen anywhere, whatever his political affiliations may be.

Daugherty is content to blacken Watts's reputation because Watts would not acquiesce in the Attorney General whitewashing criminals who had robbed the Government. Watts was discharged by the Attorney General, as he was discharged by what these Republicans themselves say were corrupt interests in the War Department, for exactly the same reason—because he would not condone crime. They drove him out of the Army for being honest. They drove him out of the Attorney General's office because he would not sell his soul; and now the Attorney General, to defend himself, attacks Watts's reputation. We love some men for the enemies they make.

The Attorney General has attacked Captain Scaife, who was also a soldier, and is an honest officer. It is true that the Senator from Ohio [Mr. WILLIS] and myself were led into an error. I thought that Captain Scaife had been discharged, but that is not the fact. Captain Scaife says in a letter to me—and the records show it—that he tried and tried and tried to get the Attorney General to prosecute certain criminals and to recover millions of dollars out of which the Government had been defrauded. When the Attorney General would not act, although the Attorney General knew the facts, because Scaife talked to him about it, Scaife resigned from the department, refusing to be a party to the conditions there existing. If that is to his discredit, I wish we had more who were willing to be discredited that way.

These men are attacked by the Attorney General in this interview, which he gave out yesterday; they are accused of trying to throw up what the Senator from New Hampshire calls a "smoke screen" to cover criminals.

These facts were put in the RECORD, except these letters, by these two Republican Members of Congress. A Republican Senator who knew about the facts considered that they should be so used. So this disposes of that part of the Attorney General's plea that he is being persecuted to shield grafters. I know that nobody believes—I know that the Attorney General does not believe—these two Members of Congress of his own party and these two soldiers were trying to shield grafters. They had exposed themselves, however, to attack in order to uncover grafters.

There is a letter in the RECORD which never has been answered by the Attorney General. It has been in the RECORD two months now. It charges that as soon as JOHNSON and WOODRUFF, the two Members of Congress, made these charges against the Attorney General, he at once put Secret Service agents on their trail to try to frame them up. Among these agents is a negro, who is his chauffeur, but whom he has on his pay roll as an investigator. He put this negro to trailing these two Congressmen, and had their mail searched, according to that statement. In this open letter the Attorney General was asked if he would deny it, and he never has.

If the Attorney General wants to be vindicated, to get the kind of vindication to which he is entitled, I will furnish him a witness who will testify that he has had Secret Service men trailing Members of the Senate; spying upon Members of the House and Members of the Senate. If you gentlemen who desire to defend the Attorney General want to submit to that condition, it is up to you to do so. I do not intend to reveal the name of this witness, because she has a place of employment in the Government, until the Attorney General wants an investigation, and you Republicans are willing to have it. Whenever he does, and you are willing, I will furnish a witness

who will establish the facts, if things may be established by human testimony.

I can submit to this condition. But I object rather seriously to his putting a negro on our trail. I would rather be trailed by a white man. I think, however, a negro is a very worthy representative of the man who put him on the trail of white Members of Congress.

That is not all. The Attorney General said in this interview which he gave out yesterday that the country would not lose confidence in the Department of Justice. Let me read it:

The various prosecutions of war fraud cases will be carried out as expeditiously as possible, irrespective of these and other activities and attacks which will be expected. I have faith that the people of the country appreciate the situation and have confidence in the Department of Justice being fair, judicious, and effective.

Let us see how much the Attorney General's faith in the American people ought to be justified. Here is a letter which went into the RECORD, being put in the RECORD by Republican Members of Congress and thereby vouched for, written by a former Army officer, a man whom the Attorney General had appointed to office, but who would not stand for the frightful conditions in that office, and resigned rather than to do it. He makes this charge, and the Attorney General never has denied it, though it has been a matter of public print since the 15th day of May, and this is the 24th day of May. I want to read this letter again, which has been in the RECORD, because I want the Senate to get its significance. It bears date May 5, 1922, and is addressed to Hon. ROY O. WOODRUFF, House of Representatives, Washington, D. C. ROY WOODRUFF is a Republican Member of Congress. It reads:

MY DEAR MR. WOODRUFF: Before bringing to your attention my memorandum to Col. Guy D. Goff, Acting Attorney General, dated March 18, 1922, and incorporated in your speech to Congress on April 11, I desired to be sure that Hon. H. M. Daugherty, the Attorney General, was personally acquainted with and fully informed as to all matters involved in the situation at the Department of Justice, in order that he might act in the premises if he desired to do so.

I was informed that Col. T. B. Felder—

I have heard that name before—

was a very close personal friend of Mr. Daugherty, and I was brought in contact with Colonel Felder and explained the situation to him and requested him to call the attention of the Attorney General to the reports that I had filed and to inform him that unless he acted I would pursue the course indicated in the memorandum referred to.

That is, make it public. I would like to pause here long enough to say that the writer of this is a reputable lawyer, a citizen of South Carolina, who the Senator from South Carolina [Mr. DIAL] says is a man of unimpeachable integrity and high character. He was working for the Government under the appointment of the Attorney General. He had made investigations and wanted to report to the Attorney General, but he could not see the Attorney General. He had to hunt up a man whose reputation is that of being a notorious lobbyist, and get to the Attorney General through Thomas B. Felder, instead of going to his chief himself. He could not reach the Attorney General, but had to reach him through Mr. Felder, the lobbyist, the man whose picture has been painted in this RECORD until everybody will remember Felder; the man who wanted me to waive my personal immunity so that my death might be hastened. After I had done so, he never has said a word to me. He has disappointed the people who are to be the beneficiaries of my life-insurance policies, because they expected to collect, but Felder has not shown up yet. He went to Felder and Felder got access immediately to the Attorney General. Honest people could not.

He said:

The next day—

That shows that Felder could get immediate action—

The next day I was called to the office of the Attorney General and he stated to me that he had my reports before him, and I then ascertained that he had been personally acquainted with the situation.

The Attorney General stated to me that he would call me into conference on the following Tuesday, but I heard nothing further from him, and after waiting a sufficient time to give him every opportunity to act, I formally transmitted the matter to you, as is now well known. I might add that I had never known Colonel Felder before meeting him on this occasion and for the purpose stated, and subsequent thereto have only seen him casually until last night.

Yesterday I had a message from Colonel Felder to meet him in his room at the Shoreham Hotel, which I did last night, and in the presence of a witness I engaged with him in an extended discussion of conditions in the Department of Justice, of which I had complained. I stated to him that I had no animus against the Attorney General, but that I felt most bitter against the conditions which he was permitting in the Department of Justice. During the course of the conversation Colonel Felder stated that he had been retained as counsel for the Bosch Magneto Co.—

That is, the old German owners—

and that he desired to associate me with him in the case. He told me that he had been with the Attorney General during the afternoon and had gone into the matter with him fully and that the Attorney General wanted him to see me. He stated that the Attorney General had agreed to cooperate with us and that he had also talked with Col. Guy D. Goff for an hour and a half during the afternoon and that everything had been arranged for us to proceed.

Before leaving his room in the Shoreham Hotel Colonel Felder stated that he was going to spend the night with the Attorney General at the Wardman Park Hotel and that they would talk about the matter until 8 o'clock that night. Each time Colonel Felder broached the subject of my employment I shifted the subject, and when we parted he asked me to do nothing in my fight until he could see me next day. When we parted Colonel Felder took a taxi for the Wardman Park Hotel and asked me to join him that far out on my way home, but I declined. This morning I received a letter from Colonel Felder notifying me that I had been retained in the Bosch Magneto case, a copy of which is hereto attached.

While I think it is eminently proper that a suit should be brought to set aside the Bosch Magneto sale, and while under ordinary circumstances I would have had no hesitation in being employed in the case when Colonel Felder disclosed the fact that he had come to me from the Attorney General and with the arrangements that had been suggested, the impropriety of the proposal I consider reprehensible, and I desire that you be acquainted with the facts.

In order that there may be no misconception of my true position and intentions in the matter in case I am further approached, I am reducing the foregoing statement to writing and will have this letter duly witnessed.

Very truly yours, H. L. SCAIFE.

—

SHOREHAM HOTEL,
Washington.

DEAR CAPTAIN SCAIFE: Am obliged to return to New York to-night. Sorry I did not see you before my departure. I expect to return on Monday or Tuesday next, when I will complete our tentative arrangements. You may consider yourself retained in the Bosch Magneto case. We will discuss the details on my return.

Very truly yours, THOS. B. FELDER.

The letter bears date of May 5, 1922.

Now, Mr. President, I do not say what the facts are. Here is a man by the name of Scaife, a former captain and for whom the Senator from South Carolina [Mr. DIAL] vouches as a man of most unimpeachable integrity. He says Felder came to him with the statement that he came at the request of the Attorney General; that the Attorney General and Felder had made up an agreement touching this matter about which an investigation is presumed now to be going on; that they had reached an understanding, the Attorney General representing the Government and Mr. Felder representing the other party hostile in interest. But the Attorney General, knowing that Mr. Scaife was the man who had the information, made one of the conditions of the settlement—that is what the language implies—that Felder would get in touch with Scaife and employ him.

Now, the Attorney General has not denied the statements contained in that letter. I do not know what answer the Attorney General could make unless to answer as he did yesterday, that "somebody is trying to keep him from doing his duty." But no one would believe him if he thus answered.

I say, Mr. President, if that letter goes unanswered it stamps with corruption the administration of the Attorney General's office that he can not escape. He has not answered yet. The letter, placed there by a Republican Member of Congress, has been in the RECORD now for more than two weeks. The Attorney General's attention has been called to it, but he has never dared to say that he did not have this corrupt understanding with Thomas B. Felder, or that he did not send Felder to employ Captain Scaife. He owes it to himself, if he has any self-respect, to tell what the facts are. He owes it to the President of these United States, who named him as the head of the Department of Justice, to clear up that incident. The Attorney General can not answer it by attacking Major Watts or Captain Scaife or Congressman JOHNSON or Congressman WOODRUFF or me.

I am not trying to thrust myself into the forefront of this picture, although the Post this morning says I am the one answered. I presume the Post knows; but from a mere reading of the Attorney General's interview no one could tell whom he meant. Perhaps the Post was told confidentially by the Attorney General that he was speaking of me. If so, I say now, and I defy the Attorney General to refute it, that I have not talked with a single man, woman, or child who is or was interested in protecting a man, woman, or child from prosecution in war-graft cases or any other. I am not interested, never have been, and never will be interested in the defense of any man who corruptly defrauded his Government. I would not accept employment as his attorney; I would not do anything in his behalf. I am not interested; I never have been interested; I never have talked with a man, woman, or child who is interested in such a defense. Nobody so interested has inspired me to speak in this case. The Attorney General has his "nigger" chauffeur that he puts to spy us out. Let him take my statement and verify it. I defy him to do it.

If the Attorney General will ask for an investigation, I will help him get it, if he wants me to do so. He is also welcome to every letter that has come to my office in this matter. He is welcome to everything in my files. He may have everything

I have that is connected with this case, and I now defy him to ask the House to pass this resolution of investigation. If he does not, and does not clear up the incident mentioned in the Scaife letter, he stands convicted before the American people as a man who has entered into a corrupt agreement touching a matter in which the Government has a vital interest, and he is the Attorney General of the United States. If his party will not let him be investigated, with his party must rest the responsibility.

In this interview given out last night the Attorney General asserts that those behind this criticism of him are actuated by a desire to shield war grafters. If he included me in that charge he uttered a malicious falsehood. I defy him to bring his proof. He will not do it.

Everyone knows how I came into this case. It is not worth while possibly to relate it again. But in the interest of honest history, although the record is clear, I am going to state it again.

I was criticizing the President of the United States for refusing to see a lot of little children who had come a thousand miles to beg for mercy for their fathers. The President had that day seen two variety actresses, the tallest man in the world, and the shortest man; he had seen every kind and variety of man; he was at that time setting out to play a game of golf with his close friend, and everybody knows who he is. He would not see the children. I incidentally said that I presumed if these children had had money, instead of merely hope, so they could have employed an influential pardon attorney, as the present Attorney General was before he was appointed as Attorney General, and could have paid him $25,000, they would have been able to see the President.

The Senator from Indiana [Mr. WATSON] thereupon rose, and with some heat said that the Attorney General had had nothing to do with getting Morse's pardon. I asked him how he knew, and he said the Attorney General had told him so. The colloquy went on until the Senator from Indiana—and I have great respect for him and believe he told the truth—said the Attorney General had told him he had nothing to do with getting the pardon and absolutely never had anything to do with it at all. It was embarrassing. I then looked up the old newspaper files. I found that the Attorney General had given out an interview in which he said that he had secured this pardon. The controversy flarred up from time to time when someone stirred it until finally the Senator from New York [Mr. WADSWORTH], in his anxiety to vindicate the very "worthy" attorney from New York, Mr. Felder, put in the RECORD a letter from Felder. I then read into the RECORD a photostatic copy of Daugherty's contract to free Morse and another letter from Felder which showed how they freed him. If they did not practice fraud on the Government, after they learned that it had been done they condoned the fraud by appearing in the defense of Morse to keep the Attorney General from asking the President to revoke the pardon. That is the history of the case, so far as I am concerned. The Attorney General now says this attack is a smoke screen to deter him from doing his duty.

I repeat that when the charges were made by WOODRUFF and JOHNSON in the House, based upon information given them by Major Watts and Captain Scaife, the Attorney General was not doing anything. If any persons were interested in the defense of war grafters, they could not have been made happier than by this inaction of the Attorney General. He was doing nothing. The statute of limitation was running. This action stirred him up. He may take action now. He wanted $500,000 to investigate the charges, and I want him to have it. I do not know what use he will make of it. I do not know whether he will give it to his "nigger" chauffeur or not. He wanted a special grand jury. I wanted him to have it; so did ROYAL JOHNSON and ROY WOODRUFF, both of them voting for his propositions in the House. But the Attorney General now insults the intelligence of the American people by saying that these brave soldiers and Congressmen are actuated by a desire to keep him from prosecuting the war grafters. That defense will not be accepted by anyone except the feeble-minded.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment to the amendment of the committee.

The ASSISTANT SECRETARY. In the amendment of the committee, in paragraph 213a, on page 37, line 10, after the word "Amorphous," the Senator from Colorado [Mr. NICHOLSON] moves to strike out "10 per cent ad valorem" and to insert "1 cent per pound," so as to read:

Graphite or plumbago, crude or refined: Amorphous, 1 cent per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado to the amendment reported by the committee.

Mr. NICHOLSON. Mr. President, the amendment proposed by me to the graphite schedule in paragraph 213a of the bill as reported by the Finance Committee providing for the specific rates of 1 cent per pound duty on amorphous graphite, 3 cents per pound on lump, chip, and dust graphite, and 5 cents per pound on flake graphite is offered because:

First. There are practically unlimited reserves of graphite ore in the United States to meet the requirements of the country under any circumstances.

Second. The American graphite is equal in quality to any foreign graphite for any purpose, and superior to all foreign graphites for some purposes.

Third. The American graphite mines have greatly reduced production, and but few of them are now in operation.

Fourth. The rates asked will not increase the cost of graphite products to the consumer in the United States.

Fifth. The manufacturers of graphite products are receiving a great deal more than compensatory protection under paragraph 216 of the bill, and they can have no consistent complaint to make.

Sixth. It is estimated that there are over $10,000,000 invested in graphite mines and mills in the United States, which will be practically entirely lost unless adequate protection is given the industry.

Seventh. Graphite is a very important and necessary article of commerce in peace times and an absolute essential in time of war, and therefore the industry should not be allowed to die.

Mr. President, graphite ore is found in 24 States of the Union and also in Alaska. Considerable mining and development have occurred in 12 different States, with some development in the other States and in Alaska. In United States Geological Survey Bulletin 666–L on graphite, Mr. Henry G. Ferguson, of the survey, says, "It will be seen that the United States possesses a considerable reserve of crystalline graphite, for the most part suitable for crucible manufacture." The fact that we have ample reserves of graphite has never been disputed by anyone and is conceded by all concerned.

The manufacturers of crucibles and other graphite products who wish to continue their imports free and to maintain their present position by means of the most degraded and ill-treated labor on earth have persisted in the exploded argument that American graphite is inferior to foreign graphite and will not do the work. All importers seem to use this same threadbare argument in connection with whatever material they are particularly interested in, claiming that all American raw products are inferior and not to be compared with foreign raw products. Their argument is absurd, unfair, and unpatriotic and can be readily disproved in practically every instance by anyone with a knowledge of the facts. When confronted with the facts in the case of American graphite the manufacturers of graphite products have the temerity to dispute them in the most brazen manner, and they practically argue that facts are not facts at all unless they favor their selfish argument.

With regard to American amorphous graphite, of which there are large deposits in Colorado and several other Western and Southern States, the manufacturers of amorphous graphite products have been reluctantly compelled to admit that the physical properties and the chemical analysis of this material are identical with the physical properties and chemical analysis of the foreign amorphous. Every man who can reason knows that when this is the case there can be no difference between the two materials. But these manufacturers still cry that the foreign material is "different," although they can not show and have not shown wherein the foreign material is "different," nor why. There are two firms in the United States which admittedly own and operate amorphous graphite mines in Mexico, where they went, of course, to get an advantage over the American miner by way of the cheap labor to be had there, and it is these two foreign investors who are most strenuously objecting to the American miner receiving enough protection on amorphous graphite to put him on something like an equal footing with the Mexican. These foreign investors demand that, in addition to the advantage they gain through the cheap labor of Mexico, they also be given the advantage of free imports from that country, regardless of what happens to our American mines, our American invest-

ments, and our American labor. Their position is absolutely untenable.

With regard to American crystalline graphite, the opposition to adequate protection on that grade of material comes from the crucible makers, or, at least, from all the crucible makers but one. These importing crucible makers also run true to form and argue that American crystalline graphite is no good and will not do the work, at least so far as crucible making is concerned. They do admit, however, that for certain other purposes, notably for lubrication, the American crystalline flake graphite is the best in the world, but most of them do not make lubricants. Some of the crucible makers have investments in foreign graphite fields, although this was denied in testimony given before the Finance Committee. In McRae's Blue Book for 1921, on page 697, however, the advertisement of the very crucible maker who made the denial clearly indicates that he, at least, has such an investment.

There is, however, one American crucible-making company in Buffalo, N. Y.—the Electro-Refractories Corporation—which is making and selling a graphite crucible and using no graphite in the mixture except American flake. This company has absolutely demonstrated the superiority of American flake graphite for crucible use and their crucibles are standing an average of 85 heats to the crucible as against an average of 26 to 30 heats, which is the most the crucible made from the best foreign graphite will do. Because of the much longer life of the American graphite crucible the price to the consumer is less than half the price of the foreign graphite crucible, even adding to the cost the full duty asked in my proposed amendment. It is significant that this Buffalo company—to which the old-line crucible makers do not care to refer—which is the only crucible-making concern in the United States using all-American graphite in its crucibles, is also the only one not opposing protection to the graphite producers.

During the war, when foreign graphite was not easily obtainable, the Jonathan Bartley Crucible Co., of Trenton, N. J., made a crucible of American graphite and American clay and advertised it and sold it to the American consumer as the best crucible ever made.

Mr. FRELINGHUYSEN. Mr. President, would the Senator object to stating again the name of the New Jersey company to which he has referred?

Mr. NICHOLSON. The name to which the Senator from New Jersey has reference is the Jonathan Bartley Crucible Co., of Trenton, N. J.

Mr. FRELINGHUYSEN. I thank the Senator.

Mr. NICHOLSON. They represented this crucible as "a triumph of American skill, perseverance, methods, and materials over foreign materials."

Mr. Guthrie, recently the practical head of the crucible-making department of the Crucible Steel Co. of America, made the open statement a number of times to a number of reputable men, at a time when there was no discussion of a tariff on graphite, that American flake graphite would make a perfectly satisfactory crucible, and that he himself had demonstrated that fact. Mr. Guthrie repeated this statement in his testimony before the Committee on Mines and Mining, United States Senate, Sixty-fifth Congress, H. R. 11259, page 284.

In 1917 a test was made by Mr. F. P. Aschman, professor of chemistry in the University of Pittsburgh, of a crucible developed by the Lava Crucible Co., which test was witnessed by a number of brass and steel manufacturers of the Pittsburgh district. The graphite used in this crucible was entirely American, and the crucible stood 70 consecutive heats of brass.

The fact that the Japanese, the English, the French, and the German crucible makers have been making and are making satisfactory crucibles out of flake graphite is further testimony to the suitability of flake for the purpose.

But this Government itself has gone to the trouble and expense of finding out the truth of the whole matter, and through the Bureau of Mines has absolutely demonstrated the superiority of the American flake graphite for crucible use. Doctor Stull, of the bureau, has made exhaustive tests with both graphite and clay, and these tests have been entirely completed so far as brass melting is concerned. He reports that the crucible made of American flake graphite and American clay is superior to a crucible made of the much-vaunted foreign graphite. The old-line crucible makers until quite recently stoutly maintained that American clay was also no good for crucibles, and that the clay had to be imported from Germany, as it always had been before the war. Doctor Stull found that, besides having the best graphite, we also have the best clay for crucibles. He found two American clays for brasswork and 13 American clays for steelwork that were better than the German clays. The crucible makers have accepted Doctor Stull's verdict on the clay, but they refused to accept it on the graphite. Why? Because the life of the American graphite crucible is so much longer than the life of the foreign graphite crucible that if they use the American graphite the American consumer will not need to buy half as many crucibles; also they wish to protect their foreign investments. They seem to have no consideration for either the American producer or the American consumer.

The American graphite mines have practically ceased production and can not resume without adequate protection. Many of the mining companies, of which there are 53 in this country, are in bankruptcy and thousands of miners and their wives and families are in utter distress and have been in this condition now so long that their story is pitiful in the extreme. We should extend a helping hand to these people, even if the tariff asked should add a few cents to the cost of manufactured graphite products, which, however, it will not do. On the grade of graphite which the crucible makers say must be used in crucibles we are asking a duty of 3 cents per pound. The Bureau of Mines reports that, even if this full 3 cents is passed on to the consumer, it will add only thirty-nine one-thousandths of 1 cent a pound to the cost of the metal melted. This is infinitesimal and can not be traced in any manufactured article. But outside of the interests opposing the tariff on graphite, where is the man in this country who would not be willing to pay thirty-nine one-thousandths of a cent a pound more for the steel in a hammer or a saw—or in an automobile, for that matter—in order that this industry may survive?

The rates asked in the amendment to the graphite schedule are fair, and, if agreed to, there is no question that instead of increasing the prices of graphite products to the consumer the prices will be reduced. In the case of an all-American crucible taking 85 heats as against the present form of graphite crucible taking 26 to 30 heats, the advantage to the consumer in the longer life of the American crucible can be readily seen. Even with the full proposed tariff rate added, the American crucible will cost less than half its present price, as has been shown in the hearings. In the case of practically all other graphite products the price can be reduced, will be reduced, and ought to be reduced. Domestic production will be extended to the limit of the demand, and this will be followed by such keen competition amongst domestic producers that it will compel proper and reasonable prices. If the present manufacturers refuse to conform to the new conditions under this proposed tariff and continue to charge their exorbitant prices, the opportunity will certainly invite manufacturing competition from the producers themselves, and that will assuredly have the desired effect. Give the producers a chance to get on their feet and once again demonstrate the efficacy of protective tariff.

For 50 years the importers and manufacturers of graphite products have had their own way in this matter. During all these years graphite has been on the free list and never has the producer been in a position to name a price for his product. He has had to accept what the manufacturer offered or close his mine. Even during the war a great many of the producers lost money; but, according to Moody's Manual, the Joseph Dixon Crucible Co. increased its surplus of $1,854,169 in 1914 to $4,976,570 in 1917 and paid 100 per cent on its capital, or $2,000,000, in 1917. The history of the manufacture of graphite products under protection has been success; the history of the production of graphite under free trade has been failure. To-day the producer could not get an offer for any grade of his product; if he could, it would not exceed 3 cents a pound for No. 1 flake and half a cent for dust. But what is the consumer paying to-day? For crucibles he is paying exactly double the pre-war price. For lubricants these packages will illustrate:

Here is a 1-pound can of Dixon's No. 1 American flake graphite and here is a half-pound can of Dixon's automobile graphite. This invoice shows the purchase of these articles to be of recent date, and the prices to be 75 cents a pound for the flake and $1.50 per pound for the dust or powdered graphite. The flake is exactly as it leaves the producer's refinery, with nothing done to it at all, while the automobile graphite is dust, and mostly the attrition or by-product from the manufacture of the flake, which the producer tries to avoid as much as possible.

I have here a slip showing the price paid for this product, the purchase having been made here in the city of Washington. It was bought from Barber & Ross, who are the dealers in this product.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. NICHOLSON. I yield.

Mr. WALSH of Massachusetts. Will the Senator state the domestic and the import price at the present time of crystalline flake graphite?

Mr. NICHOLSON. The domestic price and the foreign price, of course, would be practically the same, because the article is on the free list.

Mr. WALSH of Massachusetts. How much does it sell for per pound or per ton?

Mr. NICHOLSON. The latest information that I have on that subject is as of January 7, 1922. The price on amorphous was from half a cent to 2 cents a pound. That was the selling price in the market as of January 7, 1922.

Mr. WALSH of Massachusetts. Was that the domestic or the imported article?

Mr. NICHOLSON. Both the domestic and the imported. Of course, the domestic production would have to meet the foreign price.

Mr. WALSH of Massachusetts. That is a pretty wide variance—from half a cent to 2 cents a pound.

Mr. NICHOLSON. It depends on grade. The grades vary. There are three different grades.

Mr. WALSH of Massachusetts. Different grades of flake?

Mr. NICHOLSON. Yes; three different grades of the material.

Mr. WALSH of Massachusetts. The Senator's amendment proposes to put a rate of how many cents per pound upon flake graphite?

Mr. NICHOLSON. On graphite or plumbago, crude or refined, amorphous, the committee placed a duty of 10 per cent ad valorem. On the basis of the present selling price the protection would be two-tenths of a cent or one-tenth of a cent, as the case might be. That would be all the protection that that tariff would afford the miner, and I ask for 1 cent per pound duty on that particular grade. I want a 1-cent duty instead of the 10 per cent ad valorem. My amendment provides for a specific duty instead of an ad valorem duty.

Mr. WALSH of Massachusetts. So I understand. What is the specific duty that the Senator asks for on crystalline flake graphite?

Mr. NICHOLSON. Crystalline lump, chip, or dust comes next.

Mr. WALSH of Massachusetts. Yes; that is the second bracket in the paragraph.

Mr. NICHOLSON. The committee placed an ad valorem duty of 20 per cent on that grade, and my amendment provides for a specific duty of 3 cents per pound.

Mr. WALSH of Massachusetts. Now the crystalline flake?

Mr. NICHOLSON. On crystalline flake, the Finance Committee placed a duty of 2 cents a pound, and my amendment provides for a duty of 5 cents a pound; but I want to direct the attention of the Senator to the price at which the manufacturer is selling this product—75 cents a pound and $1.50 a pound when you purchase it from the manufacturer.

Mr. WALSH of Massachusetts. I understood the Senator to say that the crystalline flake graphite was selling for from one-half to 2 cents per pound.

Mr. NICHOLSON. Amorphous.

Mr. WALSH of Massachusetts. The Senator proposes to put a duty of 5 cents per pound upon that flake, so that the prices—assuming that the duty is reflected in an increased price of the domestic product—will be 5½ cents per pound and 7 cents per pound?

Mr. NICHOLSON. Yes; that will be about the price.

Mr. WALSH of Massachusetts. In other words, the Senator proposes to increase the price of this flake graphite from 300 to 500 per cent?

Mr. NICHOLSON. No; I would not say it would increase it 300 per cent. The crystalline graphite sells at 5 to 6 cents a pound. The amorphous sells at the lower price, and the crystalline flake and lump and chip sell at 3 cents a pound.

Mr. WALSH of Massachusetts. The flake graphite is the grade on which the Senator asks for the largest increase of duty?

Mr. NICHOLSON. Yes; on the crystalline we ask for the larger increase.

Mr. WALSH of Massachusetts. The crystalline flake?

Mr. NICHOLSON. Yes; the crystalline flake.

Mr. WALSH of Massachusetts. And that means that you are going to increase the price, if the duty is reflected in the domestic price, by from 150 to 200 per cent?

Mr. NICHOLSON. No; in no event will it increase the price over 100 per cent, because if crystalline graphite is selling at 6 cents, and you add a 5-cent duty, you do not quite double the price.

Mr. WALSH of Massachusetts. The Senator has said to me that flake graphite was selling for 3 cents a pound.

Mr. SHEPPARD. Mr. President, will the Senator tell us what, in his opinion, would be the increase in price of these various raw articles?

Mr. NICHOLSON. By adding this tariff?

Mr. SHEPPARD. As a result of the tariff the Senator proposes.

Mr. NICHOLSON. Replying to the Senator from Texas, I can not see that there can be any increase to the consumer if this tariff is added, because of the fact that an exorbitant price is being charged for this material now. As I have shown, this material, costing anywhere from a cent and a half to 5 cents a pound, depending on the grade of material, is selling at 75 cents to $1.50 per pound. Can any sane man reason that an added tariff of this small amount is going to increase the cost to the consumer? I want to say frankly that if the Federal Trade Commission were attending to its business this imposition would not be permitted upon the general public—this exorbitant charge which is being made by the manufacturers of graphite selling their product to the general public.

Mr. SHEPPARD. Then the effect of the tariff will be to compel the manufacturer to treat the miner with more fairness in paying him for his article?

Mr. NICHOLSON. That is the idea—to protect the miner against the cheap foreign product.

Under the proposed tariff the miner is trying to get a 7 or 8 cent market for this product that sells at 75 cents a pound, and a 2 or 3 cent market for this product that sells at $1.50 a pound. With this demonstration before our eyes can anyone argue that with free trade in graphite either the producer or the consumer has been fairly treated? No; the benefit has all been to the manufacturing importer and the foreigner. I think that answers the question of the Senator from Texas.

Mr. TOWNSEND. Mr. President, will the Senator yield?

Mr. NICHOLSON. I yield.

Mr. TOWNSEND. If it is true that the American manufacturer is charging these exorbitant prices, which ought to be regulated, as the Senator suggests, by the Federal Trade Commission, why is not this a most attractive investment for the American producers of graphite?

Mr. NICHOLSON. Not for the miner. The Senator is correct so far as the manufacturer is concerned; but the miner has no means with which to build a manufacturing plant, and the present condition does not help him as long as the raw product which enters into the production of this material comes from cheap foreign sources.

The opposition to adequate tariff on graphite is selfish and utterly inconsistent. Under paragraph 216 of the bill the manufacturer gets 45 per cent protection on his crucibles and other graphite products, which is an increase of 125 per cent over what he has in the Underwood law. He claims he must have foreign lump and chip graphite for his crucibles, and on this grade we are asking 3 cents per pound. In a No. 70 crucible there are 17 pounds of graphite, which at 3 cents a pound means that the producer would be protected on the graphite in it to the extent of 51 cents. That is what the producer would get, and all he would get, if the full 3 cents were added. Suppose the 3-cent duty raises the price to the manufacturer from 7 to 10 cents, and he has then to pay $1.70 for the 17 pounds of graphite in the crucible? On this $1.70 the manufacturer is to get 45 per cent protection, or 76½ cents, whereas the producer gets only 51 cents. This gives the manufacturer his compensatory protection on the graphite and 15 per cent besides; but the manufacturer gets much more. He gets his 45 per cent on the total value of the crucible, which includes every single item entering into its cost. This No. 70 crucible sells to-day for about 10 cents a number, or, say, $7 for the crucible, double the pre-war price, with graphite half the pre-war price. The Japanese crucible in competition has been selling for from 1 cent to 1½ cents per number less, or, say, $6 for the Japanese crucible. Under the Underwood tariff of 20 per cent this would make the Japanese invoice price $5. Figuring the 45 per cent on the foreign value of $5 gives the manufacturer the handsome protection of $2.25 on this crucible as against the graphite producers' 51 cents. In other words, the manufacturer gets his compensatory protection on the graphite in the crucible and about 35 per cent besides with which to meet the Japanese competition. Yet he is not satisfied and is unwilling that the producer should have anything. These manufacturing importers

are strong, well organized, and well financed, and, after having matters all their own way with the consumer for 50 years, it would be strange if they were not. They have circularized the Senate, they have circularized and alarmed the foundry trade. However, they caught a Tartar amongst the foundry men, a man who went "broke" in the attempt to make a living producing graphite and who drifted into the foundry business. They did not frighten him, because he happened to understand the whole situation. His reply to one of their circulars is a document of considerable human interest, which I send to the desk and ask to have the Secretary read and to have it incorporated as part of my remarks.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary read as follows:

TALLADEGA, ALA., *April 24, 1922.*

JOSEPH DIXON CRUCIBLE CO.,
Jersey City, N. J.

GENTLEMEN: We have your circular letter of the 17th instant urging all buyers of crucibles to immediately get in touch with Congressmen and Senators to oppose the proposed tariff on graphite, and especially the amendment offered by Senator NICHOLSON providing a 5-cent duty on No. 1 flake.

We can not comprehend you. First, we would like to ask what is the difference between the selling price of crucibles now and in 1917–18, when you were paying 15 cents and up for crucible graphite.

We understand that you are able to buy foreign graphite No. 1 at 5 cents per pound and that you use these quotations against the American miner.

The stock arguments that foreign graphite is a necessity in crucible making have been so thoroughly exploded by Government test and commercial manufacture that we will not recount them here. And this fact leaves your opposition to a reasonable tariff resting solely upon the fact that your duty-free graphite is produced abroad by the most degraded labor known to the world.

You are making a tariff-protected crucible from raw material produced by this unfortunate class of labor, and you sell these crucibles to American business men who look upon their employees as men and not dogs.

You go on grinding these unfortunate people deeper and deeper in poverty and you ask us to help you influence Congress to either exterminate the American graphite industry or level its labor conditions to that of Ceylon, where the daily wage runs from 10 cents to 20 cents.

We have in mind a sad picture with which you are not unfamiliar; women, children, old men, and cripples crawling in and out of holes in the ground like human rats, bringing out this graphite in baskets; they are without decent clothing, food, shelter, or homes; they are without joy, hope, happiness, or education for themselves or their children.

"Is it nothing to you" that life like that is equivalent to death? "Is it nothing to you" that your profits are based on their degradation? "Is it nothing to you" that, at the call of our Government in her time of peril, your fellow citizens put millions of dollars into the development of the graphite mines of this country to meet Government necessities? And are you now asking us, your customers, to combine and, through action of Congress, either wipe out these millions or degrade American manhood and womanhood to match conditions on foreign soil?

You have bitterly fought any graphite tariff from the start, while American mines have been caving in and American mills rusting into disuse and decay. You have used the misfortunes, poverty, and degradation of foreign labor as a bludgeon to beat to his knees the American graphite miner, and now, as Congress evinces a disposition to give a fighting show, you rush into the mails to corral your customers in a general onslaught to block out such a possibility.

If the action you urge means anything, it means death to the American mines. To live they must abolish our child labor laws; they must refuse every comfort that distinguishes our free men from the serfs of poverty and degradation that dig your Ceylon graphite from holes in the ground by hand; they must teach their labor to live in hovels instead of homes, and to die a thousand deaths in the living of a single life. We must send our women and children and old men into the mines to work, unskilled, unclothed, unfed, and uneducated because underpaid. We must debase our labor to the level of the Far East, grind them in poverty, ignorance, hopelessness, and death that you may buy your raw material of a people of that sort and sell your protected crucibles to a people of our sort.

We write this to say that if you are engaged in a campaign of that kind you will have to go without us; if you think you can influence Congress to kill the graphite industry of America for your trade benefit, we, for one, do not believe you can succeed. If you should succeed, bear in mind that the records are being kept and that more potent than the saving of a few cents a number on crucibles is the wrath of an outraged and devastated industry that has as much right to life as has the making of crucibles.

Respectfully yours,

TALLADEGA FOUNDRY & MACHINE CO.,
By W. B. LADD.

Mr. NICHOLSON. There is a larger investment in graphite mines and mills in the United States than in factories making graphite products. If investments are to be considered, this fact is entitled to its proportionate consideration. A large part of the investment in graphite mines and mills was made at the urgent appeal of the Government during the war. Foreign graphite was meeting the demand when the world was at peace, but when war came the foreign supply was unequal to the demand and we were compelled, in large measure, to look to our own resources for these supplies. Fortunately, we had the graphite at home, and the war situation was fully met by our own mines and miners. Are we now, for the sake of a few foreign investments and a hitherto privileged class, to destroy this industry that did its full part in helping to win the war, or are we to protect this industry that protected us by the continued production of war essentials? While there are many industries in this country receiving the benefits of a protective tariff none is more deserving of consideration than the graphite mining industry.

If this amendment is agreed to—and I earnestly hope it may be—we will not only save this key industry and safeguard the Nation, but we will also have better and cheaper graphite products in this country without injury to any existing industry, and we will give employment to thousands of people in those States in which the graphite mines are located, which employment will build up prosperous communities, thereby creating additional home markets for the products of the farm.

Mr. TOWNSEND. Mr. President, I would like to speak to those Senators who are interested in the subject; but I feel that I can not do it. I do not feel, however, that I ought to let this opportunity pass without expressing my views on this subject.

I am a protectionist. I believe in adequate protection. I believe in encouraging American industry. I believe, however, that that principle involves generally the protection of such industries as ought to be encouraged in the United States, with the hope that eventually, under proper development, they can meet the demands of this country by being placed on equal terms with their foreign competitors.

I realize that at this time, however, we are legislating under most unusual and unnatural conditions. The industries of the country have been and are greatly disturbed. It is almost an impossiblity to determine the difference in the cost of production here and abroad, and therefore I have voted for some amendments because there was indicated to me the need of a duty to protect the American producer in this country, and especially American labor.

I am not departing from that principle when I oppose not only the amendment offered by the Senator from Colorado [Mr. NICHOLSON], but the amendment of the committee in the bill now before us. I not only believe it will encourage no legitimate industry but I also believe that the placing of a duty upon amorphous graphite will not promote any legitimate industry in our country. I believe, in fact, that it will add to the expense of amorphous graphite products, without any compensating good to any producer of graphite in the United States.

I propose to confine my remarks solely, or largely so, to the question of amorphous graphite. I have not gone into an investigation of the other varieties of graphite, and therefore shall not attempt to speak with any authority on those matters.

It is a fact, as stated by the Senator from Colorado, that graphite has been on the free list for at least 50 years. If the profits of this concern are as great as those named by the Senator from Colorado, I am at a loss to understand why more concerns have not entered this industry in the United States. If I have been correctly informed, amorphous graphite, such as is used in the manufacture of paints, brushes, blacking, and so forth, can not be obtained in the United States, the statements of the Senator from Colorado to the contrary notwithstanding. I believe that he has been misinformed.

Up in Saginaw, Mich., is located what is known as the United States Graphite Co. It has been in business for 30 years. It owns mines of graphite in Mexico. It has been operating those mines for many years, but it costs that company more under existing law to get its graphite from its mines in Mexico than it would to purchase the American product here at home. It costs over $16 per ton freight to ship it from Mexico to Saginaw. The company realizes that this is a very great rate. It has tried for years to obtain in this country a product suitable to its uses.

A few years ago the Saginaw company went out into Colorado and took an option on one of the best mines of that State. This option permitted it to purchase property for about 5 per cent of what its investment is in Mexico to-day. It could ship that product at about $9 per ton from the Colorado mines to Saginaw. It obviously would be a saving to this company if it could use American graphite. Under the contract it shipped hundreds of tons to Saginaw. It tested that graphite very thoroughly, because it evidently was for its financial interest to use the Colorado graphite if it could be used. As the Senator from Colorado says, it analyzes practically the same as the graphite from Mexico, only it is less rich in carbon or graphite than the Mexican product. But when the company attempted to use the material in the manufacture of its manufactures, it found that it did not fill the qualifications required for amorphous graphite and it could not use it. I repeat, sir, that the company obtained an option from the Colorado company for its mine and it desired to use that product in the interest of economy, but the product did not measure up to its necessary specifications and qualities.

Mr. NICHOLSON. Mr. President, will the Senator yield for an interruption?

Mr. TOWNSEND. I yield.

Mr. NICHOLSON. I have here a letter dated September 7, 1918, from the United States Graphite Co., of Saginaw, Mich., in which they make this statement:

We might, however, if you intend to operate the mines, place quite a considerable order for graphite ore, provided, of course, a satisfactory contract can be arranged between us.

That makes no complaint as to the material.

We would not be interested in the purchase of your graphite property at the price which has been named.

As to the quality, there is no objection raised in the letter and no indication that the graphite is of an inferior grade or character.

Mr. TOWNSEND. I am repeating the facts as they exist. They did get an option on the mine. They did ship more than a hundred tons from the mine to Saginaw. The product was not fitted for their uses. This concern manufactures high-grade products. It has established a market all over the world because of the character and quality of its products. It shipped from Saginaw even over to Japan large quantities of amorphous graphite. Japan could probably obtain their amorphous graphite more cheaply from Austria and other countries, but they find it is better for them to purchase the Saginaw amorphous graphite as manufactured there because of the character and quality of the material in the pencils and the other articles which they manufacture out of graphite.

So, if I believed what the Senator from Colorado says, that this is a proposition to compete with the cheap labor of India or of Mexico, I could agree with him in feeling that we at least ought to have the amendment offered by the committee. But I can not agree with him, because from all the investigations that I have made of the matter I know it is more expensive to the Saginaw concern to own, mine, and ship its own products from Mexico than it would be to purchase the product in the United States if it could be obtained here, and the proposed amendments by the committee will not aid a single manufacturer, a single laborer, or a single consumer in the United States.

Mr. NICHOLSON. Will the Senator permit me to interrupt him again?

Mr. TOWNSEND. Yes.

Mr. NICHOLSON. In order to acquaint the Senator with some further facts in connection with the shipment from Colorado, I will say that there were 27 cars shipped, as stated in the wire of March 22. Twenty-seven cars at 40 tons to the car would exceed 1,000 tons. When the 27 carloads had been used they were still willing, if they could make a satisfactory contract, to continue the use of the Colorado product; but of course it naturally followed that the product which was mined in Mexico could be obtained more cheaply than the Colorado product. There is nothing here to show that the Colorado ore is of an inferior grade in any way. There were over 1,000 tons shipped to their factory, and at the completion of the use of the thousand tons of course they were looking, as it appears to me, for a cheaper contract, and they obtained it in Mexico.

Mr. TOWNSEND. Does the Senator have anything of record that indicates they were satisfied with the Colorado product?

Mr. NICHOLSON. Yes. I read it again:

We might, however, if you intend to operate the mines, place quite a considerable order for graphite ore, provided, of course, a satisfactory contract can be arranged between us.

They were still willing to continue to use the Colorado product.

Mr. TOWNSEND. There are certain products which can be made from American graphite, and which are being made from it. The higher qualities of graphite, however, needed for the products I have mentioned can not be obtained from American amorphous graphite. If they can be obtained in the United States, then the facts have been misrepresented to me. I have confidence in what has been told me and therefore I am arguing the case.

As I stated, the United States Graphite Co., at Saginaw, uses about 65 per cent of the amorphous graphite that is shipped into the United States. If we impose a tax of 1 cent a pound, of course, which to me is unthinkable, I must admit that the cost of these products will either be increased to the public or they will be made of an inferior character or quality. There is no other way to meet it. If we put a 10 per cent duty, as proposed by the committee, I do not think it will materially interfere with the business of the concern. I think it will add some expense, but that would be simply a revenue duty, and that alone, and it would take from this company about $15,000 a year, which lost $70,000 on its business last year.

If we are going to place the tax on a revenue basis, perhaps this is the proper place to put it. If we are going to impose a tax upon one concern which will pay from 65 to 80 per cent of the entire tax, then place it here. But in doing that we will have departed from the policy which I have always advocated and in which the party has believed, namely, that we favor duties for protection with incidental revenue. I think it would be unjust to this concern to impose a tax which will be of no benefit—I insist that it would be of no benefit—to any man, woman, or child in the United States. There is no benefit that can come from it, as it seems to me, and so I have felt, in perfect consistency with my advocacy of a protective tariff, that this article, amorphous graphite, ought to be on the free list, where it has been for 50 years.

The imposition of a duty on amorphous graphite would be of no benefit to anybody in the world unless to a number of brokers in the country who have been exploiting the amorphous deposits all over the United States.

They have been exploiting these mines. They are naturally anxious to have them made important for speculative purposes. I am not interested in that. All I am interested in is in conserving and serving the best interests of the American people and all of them. I am for the protection of American industries because I think that means the good of all the people. I am opposed to a tariff for revenue only. In that respect I differ from Senators on the other side of the aisle. So, believing and knowing that this is purely a revenue item which always enhances the price to the consumer, where there is no legitimate competition, of course, if we add a duty we increase the price. In a protective tariff we create competition and thereby tend to lower the price, as has been the history of tariff legislation from the beginning.

So, Mr. President, without desiring to injure any legitimate industry in the country and protesting that the proposition which I submit is one which would not injure any legitimate industry, I am strongly opposed to the amendment offered by the Senator from Colorado, and I shall vote for the amendment which I have presented, namely, to strike out "amorphous, 10 per cent ad valorem." I do not care to discuss the other branch of graphite because, as I said, I know very little about it.

Mr. NICHOLSON. May I ask the Senator from Michigan another question?

Mr. TOWNSEND. Certainly.

Mr. NICHOLSON. Does the Senator contend that there is not sufficient amorphous graphite in the United States to meet the needs and the demands of the graphite manufacturers?

Mr. TOWNSEND. I do.

Mr. NICHOLSON. Is that the Senator's position?

Mr. TOWNSEND. It is. I contend that there is not the quality of amorphous graphite in the United States which meets the demand for production of certain material or certain goods which are made in the United States. There is no question about there being a vast amount of graphite in the United States, and if these people are as hard up as they say they are, and it can be produced more cheaply than graphite can be shipped into this country from abroad, then why is it not being used now? Why do we need protection to get this cheaper product, this equally good product as they say it is, into our American manufactures?

Mr. FRELINGHUYSEN obtained the floor.

Mr. NICHOLSON. Mr. President, will the Senator yield to me for another brief statement?

Mr. FRELINGHUYSEN. I yield to the Senator from Colorado.

Mr. NICHOLSON. I wish to call the attention of the Senator from Michigan to the report by the United States Tariff Commission for the use of the Senate Committee on Finance concerning the question of graphite:

The United States has heretofore not been considered independent in the matter of crucible graphite. Crucible makers, who use about 15,000 tons a year, have insisted on having Ceylon graphite. Montana produces a graphite that has been accepted by crucible manufacturers as equal to Ceylon material. The quantity ultimately available has not been proved, but may be sufficient to satisfy domestic demands for many years. It would appear that crucibles properly made from Alabama flake will give as good service as those made from the Ceylon material.

That is from the Tariff Commission.

Mr. TOWNSEND. As I said a moment ago, I am not discussing the crucible situation. But this is a fact which the Senate ought not to forget: During the years from 1913 up until this year, inclusive, there have been shipped into the United States from abroad only about 66,000 tons of graphite.

Mr. NICHOLSON. Just a moment, if the Senator from New Jersey will yield to me to reply to the statement made by the Senator from Michigan——

Mr. FRELINGHUYSEN. I yield.

Mr. NICHOLSON. The imports in the year 1916 into the United States were 42,930 tons. In 1917 imports were 42,577 tons, and the foreign product was produced by the very cheapest labor in the world.

Mr. TOWNSEND. I am speaking about amorphous graphite, Mr. President.

Mr. HEFLIN. Will the Senator from Colorado yield before he takes his seat?

Mr. FRELINGHUYSEN. I believe I have the floor. I yielded to the Senator from Colorado, and I now yield to the Senator from Alabama.

Mr. HEFLIN. I beg the Senator's pardon. I did not know he had obtained the floor. However, I wish to ask the Senator from Colorado a question. In 1917 and 1918 the imports of this commodity fell off considerably, did they not?

Mr. NICHOLSON. Yes, sir.

Mr. HEFLIN. What was the reason for that?

Mr. NICHOLSON. I take it that the situation in Mexico was the principal reason.

Mr. HEFLIN. In 1919 and 1920 did as much of the foreign product come in as in the two or three years prior to that time?

Mr. NICHOLSON. Does the Senator refer to imports in 1916?

Mr. HEFLIN. I refer to imports.

Mr. NICHOLSON. The imports were larger in 1916 and 1917.

Mr. HEFLIN. Then they fell off in 1918 and in 1919?

Mr. NICHOLSON. In 1918 and 1919 they fell off, and also in 1920.

Mr. HEFLIN. What was the reason for that?

Mr. NICHOLSON. I suppose there was a decline in the trade of the country to some extent, which may have accounted for it.

Mr. BURSUM. I suggest that, perhaps, the disturbed condition in Mexico might have had a great deal to do with the amount of exports from that country. While the rebellion and revolution were on down there probably there would not be a great quantity of exports.

Mr. HEFLIN. At that same time our Government was encouraging the industry here at home, was it not?

Mr. NICHOLSON. Yes, sir; the Government was encouraging the industry at home.

Mr. HEFLIN. Now, have the imports become so large that the home industry has shut down?

Mr. NICHOLSON. I do not know that the imports have become so large, but the foreigners are able to ship their materials so cheaply to our shores that the American miner can not compete with the foreign labor.

Mr. HEFLIN. Then the imports that have come in are so cheap that they have caused the American industry to close down?

Mr. NICHOLSON. Yes, sir; absolutely. There are but few graphite mines in America to-day in operation.

Mr. SMOOT. I will say to the Senator from Alabama——

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. I yield.

Mr. SMOOT. During the years 1920 and 1921 most of the mines in the United States were closed. At the same time not many crucibles were manufactured, because there was not the ordinary demand for them. The graphite is used very largely for the manufacture of crucibles, from 45 to 50 per cent of the graphite produced, not only in the United States but in the world, being used for that purpose. For instance, in the State of Utah we had few mines operating; nearly every one was closed. The great copper mines were closed down and most of the lead mines were closed down; only a very few of them were operating. During that time there was not the demand for crucibles, and there being no demand for crucibles there was not such a demand for the graphite.

Mr. HEFLIN. The Senator believes now that there should be some tariff tax rate placed on imports of graphite?

Mr. SMOOT. I do not want to take the time to discuss that question while the Senator from New Jersey [Mr. FRELINGHUYSEN] has the floor.

Mr. FRELINGHUYSEN. Mr. President, I, of course, oppose the rates of duty proposed by the Senator from Colorado [Mr. NICHOLSON] in his amendment to the committee amendment. The rates proposed by the Senator from Colorado may be fully justified by present conditions, but the committee, in making these rates, recognized that the world's markets were abnormal. Foreign graphite is cheaper than ever in the history of the industry, whereas American costs, when mines were last operated, were fully 10 cents per pound.

Mr. NICHOLSON. That was the war cost, was it not?

Mr. FRELINGHUYSEN. Undoubtedly that was the war cost.

The committee felt that the American cost would eventually be reduced to less than 6 cents per pound. It also believed, and still believes, that the normal price for Madagascar graphite, which now is sold for 3 cents or less per pound in New York, which is an abnormally low price, will come back to 4 cents or thereabouts.

There are three qualities of graphite. There is the amorphous, which is imported principally from Mexico, although I understand there are deposits of amorphous graphite also in Colorado and Alabama and to some extent in Montana. There is the lump graphite, all of it imported by one company, which comes from Ceylon, and is produced by the cheap labor mentioned in the highly characteristic outburst from Mr. Ladd, of the Talladega Foundry & Machine Co., of Alabama. Then there is the Madagascar flake, which comes very directly in competition with the American product from the mines that are located in the State of Alabama.

The committee was confronted with this situation: Under the Payne-Aldrich law and the Underwood-Simmons law all classes of graphite were free. The Fordney bill places a duty of 10 per cent ad valorem on amorphous graphite, 10 per cent on the crystalline lump, and 10 per cent on the flake.

People from Alabama came before the committee and asked that a duty of 5 cents per pound be placed upon flake graphite, which is produced in Alabama. The committee considered the cost of the imported article, now 4 cents a pound, and figured that 2 cents a pound was ample duty. The Madagascar flake is selling to-day in New York at 4 cents a pound. The committee put a duty of 2 cents a pound on the crystalline flake to protect the industry in Alabama.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. FRELINGHUYSEN. I yield.

Mr. STANLEY. Is it not a fact that the graphite produced in Ceylon is produced by naked Polynesians?

Mr. FRELINGHUYSEN. Yes; that is true, Mr. President.

Mr. STANLEY. By slaves?

Mr. FRELINGHUYSEN. I refuse to yield further for an interruption of that kind.

Mr. STANLEY. One moment. I should like to have the Senator state just what wages they receive. Graphite, as I understand, is produced in the United States by cultured American citizens, and I am grieved beyond measure to hear the great defender of American labor from New Jersey pleading in behalf of a powerful corporation, one of the richest in the world, the Steel Trust and other trusts, in an endeavor to take the bread and meat and milk from the mouths of American labor and give the work to Polynesian slaves who toil for about 3 cents a day. Oh, I can not stand it, Mr. President; I must leave; I am overcome with horror and grief. [Laughter.]

Mr. FRELINGHUYSEN. Mr. President, the crystalline flake graphite which comes from Madagascar, as I have said, is sold at 4 cents a pound. The committee placed a duty upon it of 2 cents a pound, which is equivalent to 50 per cent ad valorem. Now, the Senator from Colorado asks that a duty of 5 cents a pound be imposed upon that type of graphite, which is selling for 4 cents.

The representative of one of the manufacturing industries—and it was the one in Michigan—which uses amorphous graphite said to me that they could buy the Colorado graphite at $10 per ton, with a freight to Michigan of $9 per ton added, and yet they had to use Mexican grahphite and pay $17 freight rate from Mexico because the physical qualities of the Colorado graphite were not satisfactory for use in connection with their product.

Mr. President, the Senator from Kentucky in his outburst——

Mr. BURSUM. Mr. President, will the Senator yield for a moment?

Mr. FRELINGHUYSEN. I yield to the Senator from New Mexico.

Mr. BURSUM. What was the character of the Colorado graphite? Was it in the ore or was it concentrated?

Mr. FRELINGHUYSEN. I presume it was concentrated.

Mr. BURSUM. Why was the Mexican graphite worth more?

Mr. FRELINGHUYSEN. The Mexican product was worth more because its physical qualities rendered it suitable for manufacturing the products of the Michigan concern while the Colorado graphite was not. It was of such low physical qualities that the Michigan manufacturer could not use it.

Mr. BURSUM. Was it not because there was a higher percentage of graphite in the ore?

Mr. FRELINGHUYSEN. No.

Mr. BURSUM. That does not correspond with the statement made by the Senator from Colorado and the analogy which has been made between the American and the foreign product.

Mr. FRELINGHUYSEN. Mr. President, there is a great deal that does not correspond with the statements of the Senator from Colorado.

Mr. NICHOLSON. Mr. President, will the Senator from New Jersey yield for a moment?

Mr. FRELINGHUYSEN. Yes.

Mr. NICHOLSON. I take it from the statement made by the senior Senator from New Jersey that he claims that the American graphite is inferior and can not be used by the crucible makers. Is that his contention?

Mr. FRELINGHUYSEN. No. Some of the domestic product is used after being mixed with the amorphous and the crystalline lump.

Mr. NICHOLSON. Now, I should like to read for the information of the senior Senator from New Jersey an advertisement which I find in the Mining and Scientific Press, which reads as follows:

Bartley crucibles should be made your standard. First, because they are made of American materials.

Mr. FRELINGHUYSEN. Mr. President, I will read a communication from Jonathan Bartley, president of the Bartley Crucible Co., dated March 25, 1922. He was sent certain questions by the American Mining Congress regarding graphite. To the gentlemen who sent the letter he replied as follows:

When I first read your letter it was in my mind to positively refuse your request, on the ground that "it was no quarrel of mine," because, so far as I am concerned, it does not make any difference whatsoever how high a tariff might be put on. But after giving the matter more careful consideration, and having before me the memory of more than 33 years' association with graphite interests, I have changed my mind, and here is what I have to say about these "graphite facts," as this paper calls them:

By actual count there are 19 reasons given in this propaganda to be presented to the Senate Finance Committee to show them why this tariff should be placed on graphite, but there are only 5 that really state any specific reasons, and the statements contained in these 5 are so palpably false and misleading that I shall confine myself to them only, the other 14 being mere "bunk" and unworthy of notice.

Paragraph 4 reads, "That the American deposits of graphite are adequate, both in quantity and quality, to supply any domestic consumption," and inasmuch as paragraph 6 reflects the same statement, I will quote it and answer both at the same time. Paragraph 6 reads, "That recent experiments establish the superiority of American graphite over all foreign graphite for crucibles."

To the uninitiated, who have never experienced the trials and tribulations of the graphite crucible maker, statements of this kind might carry a certain force on account of their boldness, but with one who carries the scars of many hard-fought battles in the crucible field they stand out as utterly absurd and ridiculous. Furthermore, the person who wrote these paragraphs must have known when he wrote them that he was misrepresenting open facts that only require observation and a small amount of ordinary reasoning to understand.

Mr. NICHOLSON. Mr. President, will the Senator permit a question?

Mr. FRELINGHUYSEN. No; I am quoting from the letter.

Mr. NICHOLSON. I want to quote from the same gentleman the Senator is quoting from.

Mr. FRELINGHUYSEN. All right; the Senator can do so after I have finished reading this letter and one other.

There are 13 operating crucible plants in the United States to-day, and some of them have been in operation nearly 100 years. Every one of these 13 plants has experimented largely to produce a serviceable crucible from domestic graphite. Thousands of dollars have been spent in this direction without satisfactory results, and they are all using Ceylon graphite to-day, notwithstanding the fact that they can buy the domestic product at a lower price. I want to ask you this simple question: Would you consider a man sane to go 10,000 miles away and pay 50 per cent more for a raw product if he could buy an equally good product at his door?

I shall not read all of the letter, but it is signed by Jonathan Bartley.

Mr. President, I do not want any controversy with the Senator from Colorado. He is trying to protect the product of his mines in Colorado.

Mr. NICHOLSON. No; the mines of the citizens of Colorado.

Mr. FRELINGHUYSEN. I understand; in representing the State the Senator represents it in a possessive way. Everyone does, and it is perfectly justified. The question is as to the percentage of duty. We have given practically 10 per cent, which is more or less a revenue duty, because these foundry men will not use the domestic product. They will use the flake graphite and mix it with the imported product for crucible making and for other purposes.

The Senator from Kentucky spoke of this great trust, the United States Steel Corporation, the Crucible Steel Corporation. I do not think they manufacture or use graphite. They use the crucibles, but there is no trust. There are probably 30 or 40 concerns in this country using this product; and I have here numerous letters from manufacturers protesting against this rate, or an extension of it, as too high. I am going to put them in the RECORD, but I want to read to the Senator from Colorado just one letter, which I think clearly and without prejudice expresses the opinion of the manufacturers in regard to a high, excessive duty on this product. This is from J. H. Gautier & Co., manufacturers of black-lead crucibles, Jersey City, N. J., dated April 4. They say:

We recognize the difficult position in which the committee has been placed in endeavoring to meet the conflicting views of opposing industries, and especially the desire to advance certain protective efforts without penalizing established industries.

The claim that the graphite-crucible industry is selfish in its opposition to a duty applied on graphite is not based on facts. The necessity at one time during the stress of the World War required us to use domestic graphite to an extent which was impractical, and the work performed by the Bureau of Mines in an effort to determine the value of the domestic graphite for crucible purposes has not been carried far enough to demonstrate conclusively the value of domestic flake for crucible purposes. We had been using domestic graphite to the limit of its value for 20 years and never had been able to produce a crucible of competitive value with a larger proportion of domestic product. It is ridiculous to assume that we would prefer to go around the world for a product if it could be found at our own door.

Another argument introduced by the domestic producers which would carry a lot of weight if not understood—that is, the fact that one manufacturing company is using 100 per cent of domestic graphite in their crucibles. It would be interesting to know what percentage of graphite they do use. Our crucibles contain practically 50 per cent of graphite, but the crucible referred to above we understand is manufactured principally of silicon carbide, an article that is either produced in this country or imported from Canada free. Would we not be warranted in assuming that it would be of advantage to them to have our material taxed if it widened the difference between production costs of our crucibles?

We hesitate to bring more fallacies to your attention, but if you wish we can truthfully refute many of the statements which have been introduced to influence the Senate Finance Committee in reaching a decision favorable to a high tariff on graphite.

For revenue purposes a tax may be required, but to provide protection to the domestic producers would not necessitate the assessment of high rates which would increase the cost of the material that is required for crucibles, and so jeopardize the existence of the already established crucible industry, employing more labor and capital than can ever be expected to be employed in the production of graphite in the United States.

It is not our intention to prolong the discussion, and if the Senate Finance Committee concludes to apply the rates of 10 per cent on amorphous, 20 per cent on lump, chip, and dust, and 2 cents a pound on crystalline flake, these duties will be carried into the cost of the crucible and absorbed by the public generally; but it can never force a manufacturer to employ an ingredient in his manufacture that will be a detriment to quality production.

Please keep in mind that we ourselves could only use a limited quantity of domestic product at any cost, and whatever duty is fixed on flake will equally affect all other grades in costs to us. We candidly think a duty will rather help toward an elimination of the use of crucibles and a consequent reduction in demand for flake graphite. Why penalize the other industries using graphite for all kinds of purposes to enable a few producers of flake to get a higher price on a small part of their product from a small number of possible users?

I want the Senator to listen to this:

The domestic producers prior to 1914 made profits on 5-cent and 6-cent graphite, notwithstanding the statements now made that it costs 10 cents a pound to produce, and some of the present producers seem to be able to offer graphite at 4 cents and 5 cents, and we inclose a circular letter with one paragraph marked, to illustrate what we are trying to explain.

We want to be perfectly fair in every way and take a broad view of the situation, but it is difficult to let things like this be put over without giving you the data that will help you in solving problems like the graphite one.

I ask that these letters—not from any trust, certainly not from the Steel Trust, but from reputable concerns, small manufacturing concerns using graphite—be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. PHIPPS. Mr. President, will the Senator yield for just one moment?

Mr. FRELINGHUYSEN. I yield.

Mr. PHIPPS. Before the letters go into the RECORD I will ask the Senator if he will kindly turn to the circular letter referred to in the one he just read and read us the paragraph that is marked.

Mr. FRELINGHUYSEN. I do not find that. I will look for it in my files.

Mr. PHIPPS. I want to know what they were advertising that they would sell the material for.

Mr. FRELINGHUYSEN. I will supply that.

The VICE PRESIDENT. Without objection, the letters referred to will be printed in the RECORD.

The letters are as follows:

CARTERET, N. J., *April 1, 1922.*

Hon. JOSEPH L. FRELINGHUYSEN,
United States Senator from New Jersey, Washington, D. C.

MY DEAR SENATOR: I am writing you in the hopes that you will have the manufacturing consumers in mind when the tariff question on Ceylon graphite comes up in the Senate.

While favoring home products in all its branches, we feel the American graphite interests are going too far in insisting on a 20 per cent duty on Ceylon graphites, this in view of the fact that the Ceylon

product is indispensable for use in the manufacture of foundry facings and crucibles, of which we, among others, are very large consumers.

We thoroughly believe that this product should enter free, but if there must be a tariff it should not exceed 10 per cent ad valorem.

An excessive tariff on Ceylon will increase the costs of brass and iron making, which costs will naturally be passed to the consumer at a time when we are trying to reduce costs and get to a pre-war basis as early as possible.

We respectfully solicit your cooperation.

Yours very truly,

WHEELER CONDENSER & ENGINEERING CO.,
F. J. SCHAFFER, *Purchasing Agent.*

JERSEY CITY, N. J., *April 4, 1922.*

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate, Senate Office Building, Washington, D. C.

DEAR SENATOR: Permit us to thank you very much for your courteous attention of the 2d in regard to the proposition to tax graphite.

We recognize the difficult position in which the committee has been placed in endeavoring to meet the conflicting views of opposing industries, and especially the desire to advance certain productive efforts without penalizing established industries.

The claim that the graphite crucible industry is selfish in its opposition to a duty applied on graphite is not based on facts. The necessity at one time during the stress of the World War required us to use domestic graphite to an extent which was impractical, and the work performed by the Bureau of Mines in an effort to determine the value of domestic graphite for crucible purposes has not been carried far enough to demonstrate conclusively the value of domestic flake for crucible purposes. We had been using domestic graphite to the limit of its value for 20 years, and never had been able to produce a crucible of competitive value with a larger proportion of domestic product. It is ridiculous to assume that we would prefer to go around the world for a product if it could be found at our own door.

Another argument introduced by the domestic producers which would carry a lot of weight if not understood—that is, the fact that one manufacturing company is using 100 per cent of domestic graphite in their crucibles. It would be interesting to know what percentage of graphite they do use. Our crucibles contain practically 50 per cent of graphite, but the crucible referred to above, we understand, is manufactured principally of silicon carbide, an article that is either produced in this country or imported from Canada free. Would we not be warranted in assuming that it would be of advantage to them to have our material taxed if it widened the difference between production costs of our crucibles?

We hesitate to bring more fallacies to your attention, but if you wish we can truthfully refute many of the statements which have been introduced to influence the Senate Finance Committee in reaching a decision favorable to a high tariff on graphite.

For revenue purposes a tax may be required, but to provide protection to the domestic producers would not necessitate the assessment of high rates which would increase the cost of the material that is required for crucibles, and so jeopardize the existence of the already established crucible industry, employing more labor and capital than can ever be expected to be employed in the production of graphite in the United States.

It is not our intention to prolong the discussion, and if the Senate Finance Committee conclude to apply the rates of 10 per cent on amorphous, 20 per cent on lump, chip, and dust, and 2 cents a pound on crystalline flake, these duties will be carried into the cost of the crucible and absorbed by the public generally, but it can never force a manufacturer to employ an ingredient in his manufacture that will be a detriment to quality production.

Please keep in mind that we ourselves could only use a limited quantity of domestic product at any cost, and whatever duty is fixed on flake will equally affect all other grades in costs to us. We candidly think a duty will rather help toward an elimination of the use of crucibles and a consequent reduction in demand for flake graphite. Why penalize the other industries using graphite for all kinds of purposes to enable a few producers of flake to get a higher price on a small part of their product from a small number of possible users?

The domestic producers prior to 1914 made profits on 5-cent and 6-cent graphite, notwithstanding the statements now made that it costs 10 cents a pound to produce, and some of the present producers seem to be able to offer graphite at 4 and 5 cents, and we inclose a circular letter with one paragraph marked, to illustrate what we are trying to explain.

We want to be perfectly fair in every way and take a broad view of the situation, but it is difficult to let things like this be put over without giving you the data that will help you in solving problems like the graphite one.

Yours very sincerely,

J. H. GAUTIER & CO.,
A. E. ACHESON,
Secretary and General Manager.

(Inclosure attached.)

BOSTON, MASS., *March 31, 1922.*

J. H. GAUTIER & CO.,
1 Greene Street, Jersey City, N. J.

DEAR SIR: If your firm is one of those which believes with us that the road to better business lies through the channels of economy, efficiency, and cooperation you will be interested in this letter and in the sample of graphite which is being mailed you under separate cover.

Economy because we are in a position to undersell any other producer in the market. Our mine is so located that we can sell our product at a profit for less than the cost of production at the average mine in the United States.

Efficiency because we will be glad to allow you as a saving in price what we would have to pay a crew of salesmen to do what we are trying to accomplish by this letter. This is the first time our product has been offered directly to the trade, and we want you to share with us what we are able to save.

Cooperation: If you will cooperate with us to the extent of examining our sample and sending us the following information, we believe it will be to our mutual advantage.

This is a fair average sample of our pulverized air floated graphite, unscreened. We can supply it in any grade, screened, if necessary, to any mesh desired. Or if you have facilities to do your own pulverizing, we can supply you in crude form as it comes from the mine at a slightly lower price.

Kindly advise us of your requirements covering the above points, also chemical composition, indicating the quantities in which you would be likely to buy, and we will be glad to quote you prices. When you receive our quotations possibly you will find it to your advantage to make a liberal use of our product in your formulas where formerly you may have used graphite more sparingly on account of either high price or inferior quality. We would be pleased to receive for comparison samples of the graphite you are now using.

Let us hear from you, and advise us if you wish a larger trial sample or if we can be of further service in any way.

Yours for cooperation and prosperity,

NATIONAL GRAPHITE CO.,
By DAVID ELDER, *Treasurer.*

NEWARK, N. J., *April 5, 1922.*

Hon. JOSEPH FRELINGHUYSEN,
Senate Chamber, Washington, D. C.

DEAR SIR: We desire to register our protest against the clause now in the bill before the Senate Finance Committee making a duty of 20 per cent ad valorem on Ceylon graphite. It has been our experience during the past 48 years that there is no American product equal to Ceylon graphite and are consequently opposed to passing this high duty of 20 per cent upon the imported product.

In our work the Ceylon product is indispensable, and the raising of the tariff rate would not result in our business being transferred to American graphite.

We trust that this matter will receive your serious attention.

Yours very truly,

FLOCKHART FOUNDRY CO.,
By ROBERT E. MOORE, *Vice President and Treasurer.*

STERLING, ILL., *April 6, 1922.*

Senator JOSEPH S. FRELINGHUYSEN,
Senate Chamber, Washington, D. C.

SIR: The question of contracting for Ceylon graphite came up recently, and we have to defer such proceedings pending the action of the United States Senate on what is known as the H. R. 11815 bill, disposed of by the House on a basis of a 10 per cent tariff.

The Senate bill being prepared, we understand, has doubled this tax.

A good many of the people are wondering what Congress is trying to do. We have the income tax to pay, then a surtax, and now a tariff tax. The people at large are in a quandary to know whether our representatives in Congress are representing the people or some other interests, or whether they are trying to perpetuate themselves in office, or whether our whole foundation of government as administered in Washington is only a political basis rather than a business basis. The people are beginning to think the Government is giving no thought to business conditions and that it is all political activity.

We are told that some of the Senators and Congressmen are deeply interested in American graphite mines, and that it is for a personal interest that they are promoting the extreme penalty of tariff on Ceylon lead, a commodity that can not be produced in America.

Why tax such commodities? It simply means passing the burden on to the consumer. Congress is burdening the consumer to death. There is no incentive for business men to invest capital in business as long as our Government in Washington is being handled on a political basis without any consideration of business conditions.

The people expected something from this Congress, but I am fearful that a large number of Senators and Congressmen will be defeated, as the people are losing patience and confidence in their present representatives, and if it is possible to get business men in Congress, the people are going to let the politicians stay at home.

What is the sense or reason for taxing a commodity that can not be produced in this country and should come in free for the benefit of American people?

Will you please answer this question?

Respectfully yours,

BLACK SILK STOVE POLISH WORKS,
L. K. WYNN, *President.*

JERSEY CITY, N. J., *April 29, 1922.*

Hon. JOSEPH FRELINGHUYSEN,
Washington, D. C.

DEAR SIR: As our business is largely dependent on our being able to obtain supplies at reasonable prices, we feel compelled to appeal to you regarding the tariff as applied to graphite or plumbago. After several hearings and much consideration, Senate bill reported April 10, 1922, calls for the following rates:

Graphite, amorphous, 10 per cent ad valorem; graphite, lump, chip, and dust, 20 per cent ad valorem (Ceylon); graphite flake, 2 cents per pound (Madagascar).

The above suggested increase in the cost of graphite would entail somewhat of a hardship on our business, but since the above bill was reported an amendment has been offered by Senator NICHOLSON, of Colorado, changing the original bill to read as follows:

Graphite, amorphous, from 10 per cent to 1 cent per pound; graphite, lump, chip, and dust, from 20 per cent ad valorem to 3 cents per pound (Ceylon); graphite, flake, from 2 cents per pound to 5 cents per pound (Madagascar).

Duties proposed by this amendment add from 100 per cent to 200 per cent to the present import selling price of these grades. Crucibles are now selling at less than half what they were during the war period.

Notwithstanding reports to the contrary, the average American graphite can not be substituted for the more granular Ceylon crystalline graphite, and if this large duty is levied the crucible user will be legislated against in two ways: First, by having to pay more for his crucibles; second, he will get crucibles of an inferior quality.

We understand that this duty is laid with the idea of favoring the southern graphite promoter. At the same time it must be borne in mind that it will operate directly against the user of the graphite crucible and against the manufacturer of that article.

When we consider the rapid development of the electric melting furnace it is perfectly evident that in the face of increase in the cost of crucibles and a decrease in the quality it will very seriously operate against the crucible industry, and therefore against the large use of graphite.

If the price of crucibles is made prohibitive, naturally the graphite industry will be eliminated.

We most earnestly protest the high duty called for by the Nicholson amendment to the Senate bill and trust you will use your influence in every way possible against its passage.

Graphite, you will kindly note, has been on the free list upward of 50 years, and if you now feel a duty should be placed on same for revenue, please do so with a view of saving the crucible industry, where at least 75 per cent of the crystalline graphite produced in the world is now used.

It is our opinion that graphite should be continued on the free list and there has been no good reason why it should be placed on the dutiable list; we therefore hope you will use your vote and influence to continue graphite on the free list.

Very truly yours,

E. A. WILLIAMS & SON (INC.),
THOMAS H. WILLIAMS, *President.*

—

NEWARK, N. J., *May 1, 1922.*

PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: As our business is largely dependent on our being able to obtain supplies at reasonable prices, we feel compelled to appeal to you regarding the tariff as applied to graphite, or plumbago. After several hearings and much consideration, Senate bill reported April 10 calls for the following rates:

Graphite, amorphous, 10 per cent ad valorem.
Graphite: Lump, chip, and dust, 20 per cent ad valorem (Ceylon).
Graphite flake, 2 cents per pound (Madagascar).

The above suggested increase in the cost of graphite would entail somewhat of a hardship on our business, but since the above bill was reported an amendment to said bill has been offered by Senator NICHOLSON, of Colorado, changing the bill, original, as follows:

Graphite, amorphous, from 10 per cent ad valorem to 1 cent a pound.
Graphite: Lump, chip, and dust, from 20 per cent ad valorem to 3 cents a pound.
Graphite flake, from 2 to 5 cents a pound.

It is our opinion that graphite should be continued on the free list, and there has been no good reason advanced why it should be placed on the dutiable list, and we therefore hope you will use your vote and influence to continue graphite on the free list.

Yours truly,

F. & H. FOUNDRY CO. (INC.).
C. FRANZ.

—

THE PLUMBAGO CRUCIBLE ASSOCIATION,
New York, May 1, 1922.

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senator, Washington, D. C.

DEAR MR. SENATOR: Your support is earnestly solicited in the effort of the graphite crucible manufacturers of the United States to protect themselves against the series of rates on graphite—or plumbago, as it is generally called—proposed in an amendment to the pending tariff bill by Senator NICHOLSON, of Colorado.

In the House bill a duty of 10 per cent ad valorem had been assessed against graphite of all kinds, with which we were content, realizing the need for more revenue, although for 50 years Congress has recognized our necessity to purchase abroad and has permitted graphite to remain on the free list.

The European war required measures and activities that were uneconomic and that would be ineffectual in peace times. Certain interests, chiefly located in the South, now desire to capitalize those necessities and are claiming that high tariff rates must be put into effect to protect an infant industry—the American graphite producer.

This infant industry has been in existence for about 60 years, and in pre-war times was able to market so much of its product as could be used for crucible purposes.

Unfortunately, it has always been and still is necessary to supplement this domestic product with imported graphite of a grade that will enable the crucible manufacturers to make a high-grade and satisfactory crucible.

There are 13 manufacturers of crucibles using graphite as the principal ingredient of their product. Not one of them has been able to use a large percentage of domestic graphite and produce a crucible competitively satisfactory in quality.

If we can not produce crucibles that will provide a melting cost within reasonable limits imported crucibles will be used.

Moreover, should crucible costs be too high other methods of melting will be developed and extended, to the entire elimination of the crucible industry and the consequent reduction in graphite consumption, both domestic and foreign.

Would the Government not be better off to establish a low tariff rate on a large import rather than a high rate on a reduced and vanishing import?

Notwithstanding assertions continuously reiterated, this is the situation existing to-day. If economic conditions require that we submit to extinction, we can submit, but we do not wish to be forced out of business without a vigorous protest.

Should not the graphite industry in this country be permitted to build itself up on its own merits, instead of by means of a subsidy? Is it fair to lay a compulsory tax on every user of a graphite product to induce consumption of American graphite, which is unfitted by character and quality for all the mechanical purposes in which graphite is now used?

We hesitate to arouse the crucible-consuming public to the seriousness of the situation and flood the mails with their protests, neither do we deem this to be necessary to convince one of your broad knowledge of the urgency of this request for your support and protection, not only for ourselves but also for those users of our products who are actually interested in maintaining our manufacturing prestige.

This defensive struggle has been carried on for almost four years. It is a matter of record in the tariff hearings, and we will be glad to furnish you with additional data or answer any questions you may care to ask.

Yours truly,

C. H. ROHRBACH, *Secretary.*

—

JERSEY CITY, N. J., *May 3, 1922.*

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

DEAR SIR: Without desire to interfere in the matter of proper duties to be levied on manufactured goods, we do believe, and we know our contemporaries agree, that where raw materials not available in this country are concerned, they should come in free in so far as that is possible.

Our attention has been called to paragraph 213 of the Senate tariff bill duty on graphite: Amorphous, 10 per cent ad valorem; lump, chip, and dust, 20 per cent ad valorem; flake, 2 cents per pound.

These, we understand, are not produced in the United States or can they be. Why, therefore, add to the consumer's burden by this unnecessary tariff?

We ask that you vote against it.

Yours very truly,

VOORHEES RUBBER MANUFACTURING CO.,
G. F. COVELL, *Sales Manager.*

—

NEWARK, N. J., *May 4, 1922.*

Hon. JOS. S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

DEAR MR. FRELINGHUYSEN: We wish to direct your attention to paragraph 213 of the Senate tariff bill, calling for a duty on foreign graphite, as follows: Amorphous, 10 per cent ad valorem; lump, chip, and dust, 20 per cent ad valorem; and flake graphite, 2 cents per pound.

The above rates have been amended by Senator NICHOLSON, of Colorado, as follows: Amorphous, 1 cent per pound; lump, chip, and dust, 3 cents per pound; and flake, 5 cents per pound.

Considering the commodity, these rates certainly are enormous. As one of the users of foreign graphite, we strenuously object to any duty on same, because it will only add to the burden of the consumer, who will be compelled to pay the price; for where foreign graphite must be used, the American product can not take its place.

In view of the foregoing, we can not urge you too strongly to give this matter your consideration, and to offer an amendment permitting foreign crystalline graphite, or Ceylon plumbago, to come in free of duty.

We can assure you that your kind attention to this matter will be highly appreciated.

Respectfully yours,

EMPRESS MANUFACTURING CO. (INC.).

—

RIVERSIDE, N. J., *May 8, 1922.*

Hon. JOSEPH S. FRELINGHUYSEN,
Chairman of the Finance Committee,
United States Senate, Washington, D. C.

DEAR SIR: We have noted the amendment offered by Senator NICHOLSON, of Colorado, materially increasing the graphite schedule from that reported in the Senate bill of April 10, 1922, and inasmuch as we are large users of graphite crucibles, we thought it well to call your attention to the amendment and advise you that it has been our experience that crucibles manufactured from domestic graphite are much inferior to those containing the foreign product, and we feel that if this higher duty is levied, that crucible users will be harmed in two ways:

1. By having to pay more for crucibles.
2. That they would be able to obtain crucibles only of an inferior quality.

In view of this, it is our hope that graphite may be continued on the free list, where it has been for many years, thus enabling us to obtain a higher grade of crucible at a reasonable price.

Very truly yours,

THE RIVERSIDE METAL CO.,
H. L. RANDALL, *President.*

—

DOVER, N. J., *May 8, 1922.*

Senator JOSEPH FRELINGHUYSEN,
Washington, D. C.

MY DEAR SENATOR: The question of a recent amendment offered by one of the western Senators calls for a duty of 3 cents per pound on Ceylon plumbago. There is no reason in this, because there has never been anything found in America which will take the place of Ceylon for foundry practice. If there was an American-mined material that was satisfactory, we would gladly use it, as we favor protection to home industries, but this is one of the products with which there is no honest competition in America. It means to us the manufacturer must pay this 3 cents a pound, and then we must pay the 3 cents a pound and a profit on that to the manufacturer. We believe it is all wrong.

Trusting you can see your way clear to combat this matter, we remain,

Yours very truly,

RICHARDSON & BOYNTON CO.,
WILLIAM L. R. LYND, *Secretary.*

Mr. FRELINGHUYSEN. Mr. President, the committee, however, did accept the statement that domestic flake was of acceptable quality for making crucibles. It desired to give protection to the mines, and placed a duty of 2 cents a pound on that product which in the market now is selling for 4 cents a pound.

Mr. NICHOLSON. Mr. President, after listening to the letters read by the senior Senator from New Jersey from the gentlemen connected with the crucible companies, it would seem that they are gentlemen of great adaptability. When they are asking for free raw products, the American graphite is of a very inferior quality, as indicated by the letters read by the Senator. Let me call the attention of the Senator, however, to an advertisement of the American-made crucibles manufactured by the Jonathan Bartley Crucible Co., showing what they have to say about them:

Primarily called "Victory," because they represent a triumph of American skill, perseverance, methods, and materials over foreign materials.

At that time they did not call attention to the fact that this graphite was of inferior character; and I submit that when they had these advertisements sent broadcast throughout the land they were either imposing upon the general public or they are not honest with the general public now.

Mr. HEFLIN. Mr. President, the graphite which is being imported is inferior to the graphite produced in the United States. The finest flake graphite in the world is produced in

the mines of my State, and there is quite a supply of it in those mines. They were operated for a little while during the war, when the Government needed some of this material; and since the war is over, and the graphite mined by the slave labor of Ceylon is coming in, and some from Mexico, these mines have closed. They are shut tight now. They are not moving a peg, and the people who worked in these mines are out of employment, and the people who bought these mines and invested their money in them have them on their hands, and they are unable to operate them under present conditions.

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. HEFLIN. I am glad to yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I want the Senator to understand clearly that I did not say that the domestic flake graphite was of inferior quality to the imported product. I understand that the domestic product of flake graphite is equal in quality to the imported product.

Mr. HEFLIN. Mr. President, it seems to me the Senator from Colorado [Mr. NICHOLSON] has justified the contention that some import tax should be laid upon the graphite brought into the United States. We have heard a good deal, and especially from the distinguished Senator from New Jersey, to the effect that he is trying to protect the laboring man, that he wants to do something for the laboring man in the United States. Here is an opportunity to put to work laboring men who are now out of employment, who are seeking something to do; and if there is anything in the position of the Republican Party that it is the friend of the laboring man and will do something for an industry in order to give working people employment there, how can the Senator justify the position he is taking in favor of making graphite free?

Mr. FRELINGHUYSEN. Mr. President——

Mr. HEFLIN. I am not a free trader. I believe in deriving revenue for the Government from imports, and if an incidental benefit goes to those who own the mines, well and good. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I have no objection to the Senator's efforts to discredit my statements, but I want him to be accurate when he attempts to repeat a statement I have made. He asks why I want graphite put on the free list. I have not asked that graphite be placed on the free list. I have simply supported the committee amendment—that the duty on flake graphite shall be placed at 2 cents a pound.

Mr. HEFLIN. Does the Senator think that is an adequate rate?

Mr. FRELINGHUYSEN. I feel that it is, with the imported article selling at 4 cents a pound. Does the Senator want a higher rate of duty?

Mr. HEFLIN. I want whatever is just and necessary, and the Senator from Colorado has shown, it seems to me, that the rate provided for by the Senator from New Jersey and those with him on the committee is not quite sufficient.

Mr. FRELINGHUYSEN. The Senator from Alabama has an industry in his State which produces flake graphite. He ought to know the cost of production and what rate is necessary to protect it. Of course, now that he has left the fold of free trade and has come into the fold of protection, I would like to have him state to the committee and to the Senate what rate he thinks would protect his industry, and the workingmen of Alabama, about whom he is talking.

Mr. HEFLIN. Mr. President, I am not a free trader, as I stated at the outset. I believe in a tariff for revenue. I stated before that if incidental aid goes to those who own or work in the mine, all well and good; but a Republican can not justify his position when he stands here and advocates a tariff, and a high tariff at that, for one thing, as the Senator from New Jersey did last night when he secured a tariff tax on sand, and then oppose a proposition so meritorious as that of deriving revenue and incidentally aiding an American industry now closed and out of business.

Mr. BURSUM. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I gladly yield.

Mr. BURSUM. I desire to obtain some light as to the facts relating to the cost of production. The Senator from New Jersey submitted that flake graphite, which is produced in Alabama, can be utilized to advantage, that it is of sufficient quality, and that the selling price will be around 4 cents per pound. Can the Senator from Alabama tell us the cost of production and marketing of this flake graphite, which is produced in Alabama?

Mr. HEFLIN. It varies. I am unable to say exactly what the cost of production is; but I am able to say to the Senator that the mines are closed. There is no production now. There are no sales now. The laborers are gone. The mines are shut up. These people are seeking employment, and the investments there are idle. Where is the Republican Party going to find escape from a proposition like that, when it voted to tax salt, which everybody consumes, and this is an effort to protect a great corporation which uses flake graphite produced in my State?

The other night we asked the genial and distinguished Senator from New Jersey [Mr. FRELINGHUYSEN] how he justified a tax on sand, and he expressed the fear that the sand sifters and sand sellers of the United States would have serious competition some time from those who haul sand into the United States.

The tariff he succeeded in getting put on it is founded upon the fear or upon his very splendid and vivid imagination. Two or three ships came from abroad, having sold American products in foreign markets, and needing something as ballast, to hold the ships steady in the sea, they took on a cargo of sand, came home and unloaded, and gave somebody up in New Jersey an opportunity to say, "Here is a chance to increase the price of sand to the American consumer, by saying that we see a bugaboo of competition in sand coming from abroad," when the sea is heaving sand up by the millions of tons, and there is no such thing as exhausting the supply of sand. As I said in my speech the other night, the Bible reminds us of the inexhaustible supply of the sands of the sea, and yet the Senator from New Jersey succeeded in getting a tariff on sand, and he is now fighting a proposition to lay a tariff upon graphite, when the American mines are closed, and the foreigners have got the American market all to themselves.

Mr. WATSON of Georgia. Mr. President, does the Senator from Alabama understand that the handsome and brilliant Senator from New Jersey is afraid that somebody will bring sand in from the Sahara Desert?

Mr. HEFLIN. It may be that some such fear disturbs him.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. HEFLIN. I yield.

Mr. EDGE. I understand that flake graphite is on the free list under the Underwood law. I would like to ask our new and welcome convert to protection why there was not an effort made when the Underwood bill was under discussion to place a tariff on flake graphite. At that time they apparently thought that it was not necessary.

Mr. HEFLIN. At the time that law was enacted the industry did not exist in the United States to amount to anything, and I do not know whether any effort was made to have any tax laid on the imports of graphite at that time or not. The industry sprang up out of necessity. The Government called for investigations to see what we had, and it resulted in finding one of the greatest graphite mines in the world down in my State, producing the very finest flake graphite on earth.

Mr. FRELINGHUYSEN. Mr. President, before the Senator starts this sand storm of his again, will he kindly answer my question and tell me what duty he is pleading for to protect his industry in Alabama? He has failed to answer my question. I should like to have him state whether he is for the duty proposed by the Senator from Colorado [Mr. NICHOLSON], or whether he is for the committee duty, 2 cents. I should like to have an answer to that question.

Mr. HEFLIN. Mr. President, I am very grateful to the distinguished Senator from New Jersey for suggesting sand storms. That is better than the sand I talked about. They saw a sand storm up there on the seashore, and they had an idea that sand was being blown from abroad, and they undertook to put a wall up to protect the sand sifters and sellers of New Jersey. That is what the Senator succeeded in doing the other night. He succeeded in having a tariff tax put on sand. I told how the people would be affected by it, that everybody who used glass, plain glass, cut glass, and every other kind of glass would be affected. Under this bill the mirror in which they look upon their manly and handsome forms, as the distinguished Senator from New Jersey can do, is taxed. They make glass out of this beautiful white sand, and I never dreamed that the day would come when they would tax the sands of the sea and undertake to build a wall to keep people from bringing sand into the United States. But it is done, and I am pleading, and the Senator from Colorado is pleading, for the imposition of an import tax which will bring revenue to the Government and a little aid to an American industry

which is being choked to death by the position of a big corporation in New Jersey that uses graphite.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield to the brilliant Senator from Kentucky.

Mr. STANLEY. My colleague overlooks one fact in pleading for this duty upon graphite. The argument that you ought to equalize the labor costs at home and abroad is made for every protective duty. This graphite in Alabama is produced by highly skilled and intelligent labor. The principal supply of graphite coming into this country, as I understand it, comes from the island of Ceylon, where naked Asiatics, in a tropical clime, live on coconuts, are covered with a single cotton shift, if they wear anything, and get a few cents a day for mining this graphite, which comes over here as ballast.

Mr. FRELINGHUYSEN. Mr. President, I want to correct the Senator. The kind of graphite which comes from Alabama is comparable only with that which comes from Madagascar, not Ceylon, possibly both employing the same color of labor.

Mr. STANLEY. The Senator goes from bad to worse. Labor conditions are worse in Madagascar, if anything, than they are in Ceylon, but it is the same kind of labor.

Neither of the distinguished Senators from New Jersey will deny that there is no comparison between the condition of the foreign laborer and the American laborer with his family, his home, and his high level of wages, with his children to educate, and all that sort of thing. He is put out of business, as I understand it, by naked, blanket-wearing, polygamous, Polynesian savages, and now come the two Senators from New Jersey with the blanket of the savage, waving it like a banner in this assemblage.

In addition to that, beside the question of equalizing the labor cost is the question of fostering an infant industry. This industry still has the bottle in its mouth. It is a war baby. They discovered this graphite in certain sections during the war, when we could not import it. It has its hippens on, and yet these great protectionist Senators come here and kill an industrial baby because it happens to live down South.

Mr. FRELINGHUYSEN. Mr. President, I have asked the Senator from Alabama what rate of protection he wants. I should like to ask the Senator from Kentucky, the Senator from Alabama having failed to answer the question, what rate of duty he believes should be placed upon this Alabama corporation which the Senator from Alabama is defending, which, I understand, is owned by eastern capitalists?

Mr. STANLEY. I would not give them a red copper. I am exposing, in the discussion of this graphite item, the whole callous, conscienceless hypocrisy of these pleaders for American labor. Is not a man digging graphite in Alabama in as honest an employ as a man working a loom in Connecticut or in New Jersey? Is not the man who is engaged in this business as much an American citizen as a silk spinner in Paterson, N. J.? Why this difference? What argument can you make in favor of the 200 per cent on silk that you can not make for 10 per cent on graphite? This graphite proposition is a fine illustration of the utter indifference, even to consistency, of the trust-mad, protection-mad advocates of this incoherent makeshift, this crazy quilt of a bill.

If the Senator from Alabama will permit, I will call his attention to the reason why you can not get a duty on graphite but can get it on silk and can get it on the cotton fabrics of New Jersey and can get it on any other thing, though you can not get it on the fertilizer for the farmer. It is because the plain, voiceless millions do not buy graphite to any extent.

It is sold to the greatest trust in the world, the owners of crucibles, the men who make this fine crucible steel, who have cost sheets, who know the buncombe and the absurdity, who know the naked, silly falsity of the charge that a man will pay more for labor because he makes more from his business, who know what you pay for labor, what you pay for materials, what you must pay in the open market of the country, and they tell you they do not want any duty on graphite. The same powers, the same trusts, the same masters that demand the duty upon the finished product will take it off of the raw material, and you obey both, taking the public for driveling fools.

Mr. FRELINGHUYSEN. Mr. President——

Mr. HEFLIN. I am glad to yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. They do not say they do not want a duty on graphite. They want a duty of 50 per cent ad valorem. They are willing to stand it, although they say they can not use the American product.

Mr. STANLEY. Does not the Senator know that a duty of 2 cents on graphite produced in Alabama would not protect it one minute against the practically pure ores found in Madagascar and Ceylon? It would not produce an ounce of Alabama graphite, and the Senator knows it. That is handing us a gold brick.

Mr. HEFLIN. Mr. President, the Senator from Kentucky has pointed out that the graphite which comes from over the seas into our country and now controls the American market is produced by slaves. I am told that the graphite diggers over there get 3 cents a day. The American miner of graphite can not compete with those conditions. It will be difficult for Senators on the other side of the Chamber, who are not willing now to aid an infant industry just getting on its feet, to explain their position on this item.

The war ended and the graphite from abroad came in and knocked this American graphite infant down, and it is lying there now prone upon the ground. The Republican leaders who have boasted of their friendship for American industry have here an opportunity to show their friendship for this industry in my State, which has been driven out of the American market by the graphite of foreign countries.

The Senator from New Jersey reminds the Senate and reminds me that I am defending an industry in my State owned by eastern capital. I do not care where the capital comes from. It is American money. It is the money of American citizens, and when they come to my State to invest their money I want them treated fairly. In coming to my State, the greatest State in the Union, they show good judgment and good taste. I give them whole-hearted welcome. I want every legitimate industry in my State to prosper. I want the laboring man, who is dependent upon his skill, his genius, and his strength, to have something to do and a decent wage which will enable him to provide the wherewith to take care of himself and family.

I would like to see the mines in my State opened again. I would like to go out and gather in the men who are now running around seeking employment and eking out a disagreeable existence. Here is an opportunity to take men from the army of the unemployed, give them something to do, and start the wheels of the graphite industry humming down in my State. Is it to be said that a foreign concern or a great corporation which uses the products of that foreign concern has more influence in the United States Senate than the common rights of American labor and the welfare of American industry? It remains to be seen, Mr. President, by the vote upon this question. Here is an industry closed, out of business, and the men who worked there out of employment.

I am not an expert upon the matter of rates. I do not know what is a fair and just rate. The Senator from Colorado has shown that the rate agreeable to the Senator from New Jersey [Mr. FRELINGHUYSEN] is not sufficient. I think there ought to be a duty somewhat larger than the one offered by the committee.

I want to say to the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN], who voted to put a tax upon salt, that he did the thing which helped to produce the French Revolution. That was one of the causes of the French Revolution, because every man, woman, and child used salt, and when the King insisted upon taxing the salt of the French people they rebelled against it. So I say that was one of the things which brought about the French Revolution. I have seen the Senator vote to put salt upon the tax list, bearing a burden of 40 cents a sack. Every man, woman, and child in the country uses salt. The Senator is not now willing to place a fair tax upon graphite, which is used by one great corporate concern in his State. He is willing to deprive the Government of the revenue that it would derive on foreign graphite and willing to turn the American graphite market over to foreign graphite free, while the producers of American graphite are forced to close their mines.

The cause of American labor does not seem to hang very heavily now upon the conscience of the Senator from New Jersey. The desire to aid an infant industry seems to have been lost somewhere in the protection head of the Senator from New Jersey now. Here is a concrete proposition of doing justice to an American industry, aiding the industry to get upon its feet, and the Senator and his colleagues have attacked the proposition of extending that helping hand to that American industry. Oh, "Consistency, thou art a jewel!"

I submit that by imposing an import duty on foreign graphite we can put money in the United States Treasury and prevent the ruin of an infant industry in our own country.

Mr. WALSH of Massachusetts. Mr. President, the minority members of the Finance Committee are not only opposed to the amendment offered by the Senator from Colorado [Mr. NICHOL-

SON], but believe that this product should be upon the free list, where it has been for 50 years. During those 50 years there have grown up in this country many substantial industries engaged in the business of manufacturing graphite products. They are very numerous. Graphite is used extensively in the manufacture of stove polish, in the making of pencils, crucibles, foundry facings, motor brushes, and other like commodities, with factories located in all parts of the country.

A good deal has been said upon this subject, but it seems to me the real question is this: Does the imported graphite compete with the domestic graphite? The evidence which I have obtained from manufacturers of graphite products in my State shows that it does not. I want to say in this connection that all the small foundries in the country, and there are an exceedingly large number of them, use graphite in making foundry products. The information which I get from the foundries in my State is to the effect that the imported graphite does not compete with the domestic graphite, that the domestic graphite is not suitable or fit for making certain graphite products which this and other industries are manufacturing. As has been said by the Senator from New Jersey, the domestic graphite is used in small quantities by mixing it with the imported graphite.

The best proof, however, that the imported graphite does not compete with the domestic graphite is in the matter of price. The undisputed information shows that we have been importing a much larger amount of graphite than has been mined in America and that the prices of the imported graphite have been in excess of the prices of the domestic product. It is absurd to claim, if the domestic graphite was equal in quality to the imported graphite, that our manufacturers would refuse to use the domestic graphite and to their own loss pay a higher price to the importers for the foreign graphite.

The figures furnished to us by the Tariff Commission show that in the last nine years the average price of the domestic graphite has been $11.45 per ton; the average price of the Mexican graphite has been $36.39 per ton, and the average price of the Korean graphite $20 per ton. What more proof do we need that the imported graphite does not compete with the domestic? Our manufacturers are not fools. Our business men are not going into foreign markets to pay $36 per ton for graphite if they can buy a graphite of equal quality and serviceability in America for $11 per ton.

Why have they been obliged to buy the foreign graphite and pay a higher price? It is because there are certain qualities in the foreign graphite that are indispensible in the making of certain graphite products. For instance, the graphite deposit in the United States is not suitable for manufacturing purposes, such as stove polish. Stove polish made from it lacks being glossy. Lead pencils made from it break too easily. For foundry purposes it lacks the necessary heat requirements.

It is true that a chemical analysis of the domestic graphite may show but very little difference between it and the foreign product, but the fact is that the domestic graphite is not competing with the foreign graphite.

The question resolves itself into this: Our manufacturers of graphite products must have the imported graphite. What is it proposed to do in this amendment? It is proposed in the amendment offered by the Senator from Colorado to impose upon the manufacturers a great burden, because, after all, we can not tell just how heavy a tax is being levied when we only speak of tariff duties in specific rates; but when those specific duties are transposed into ad valorem rates we can get some conception of the seriousness of the amendment offered by the Senator from Colorado in the increased cost that will be exacted from the users of graphite in the various manufacturing industries of the country.

The present prices are very much below normal prices. It is hardly fair to measure the normal prices of graphite by the present prices, but at even present prices amorphous graphite, selling as it does for 1 cent per pound, would bear an ad valorem duty of 100 per cent under the amendment offered by the Senator from Colorado [Mr. NICHOLSON]. Lump graphite, selling for from 6 to 8 cents per pound, would bear an ad valorem rate of from 38 to 50 per cent per pound. Flake graphite, selling for from 3 to 4 cents per pound, would bear an ad valorem rate of from 133 to 167 per cent.

Under normal prices let us see how the computation would work out. On amorphous graphite, which sells normally for 2 cents per pound, the duty suggested by the Senator from Colorado in his amendment would be equivalent to an ad valorem rate of 50 per cent; on lump graphite, at the normal price of 10 cents per pound, the rate proposed by the amendment offered by the Senator from Colorado would be equivalent to an ad valorem duty of 30 per cent, and on flake graphite, at the normal price of 7 cents per pound, the ad valorem equivalent would be about 71 per cent.

The minority members of the Finance Committee, as I have said, not only are opposed to the amendment offered by the Senator from Colorado but will support the amendment to be offered by the Senator from Michigan which, I understand, is designed to place amorphous graphite upon the free list. If that amendment shall be adopted, I shall then move an amendment putting the graphite in the other brackets, lump and flake, upon the free list likewise.

Mr. TOWNSEND. Will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I yield to the Senator from Michigan.

Mr. TOWNSEND. It was suggested by the Senator from Colorado that the placing of a duty by the Committee on Finance on amorphous graphite had been compensated for by an increase of duty on some of the products manufactured from amorphous graphite. If that be true, I desire to state now that if the proposal to put amorphous graphite on the free list shall prevail I shall be very willing, indeed, to have reduced the duties on the products manufactured from amorphous graphite which have been increased because of the duty imposed by the bill on the raw product. As I have said heretofore, while I am a protectionist, I agree with the Senator from Massachusetts that no industry in the United States can be protected, encouraged, or benefited, in my judgment, by placing a duty on this product which, under the present state of art, at least, must be imported from abroad in order to meet the demands of the trade.

Mr. WALSH of Massachusetts. Mr. President, I am very glad to have the additional statement of the Senator from Michigan. I want to call attention to the seriousness of the situation brought about by the committee amendment as it affects the manufacturer of graphite products. The Senator from Michigan has spoken about its effect upon the users of amorphous graphite. I want to say a word to show how it will add materially to the cost of the finished products manufactured from flake graphite.

The Senator from New Jersey [Mr. FRELINGHUYSEN] said that flake graphite is now selling for 4 cents a pound; yet the committee proposes to put a duty of 2 cents per pound—50 per cent ad valorem—on flake graphite. It is proposed overnight to take that commodity from the free list and impose upon it an ad valorem duty of 50 per cent. How can that be justified?

The trouble with this bill is that on the raw materials, which are among the first items we have considered, the rates have been placed so high that when we come to the finished product, in order to provide compensatory duties, a pyramid has been built up until the rates proposed reach the sky line, so that the cost of living and the cost of the manufacturing products in this country will be up higher than ever. There can not be any other result from the action proposed. It would almost seem, however unbelievable it may be, that those who drafted this bill not only propose to keep prices up but really to increase prices, for nothing else can happen in view of the high rates that have been placed upon so-called raw materials which go into the finished product. Here is an example in an increase of 50 per cent ad valorem. I have some figures which I will read in a moment from some of the manufacturers of my State, one of whom informed me by telegram this morning that his consumption of flake graphite amounts to $50,000 per year. Now, it is proposed to place a duty of 50 per cent ad valorem upon the raw product used by this manufacturer, which means that on this one little article which is used in the manufacturing of graphite products a duty of $25,000 must be paid.

Mr. WALSH of Montana. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. WALSH of Montana. I inquire of the Senator, if we are going to apply the principle of imposing duties upon articles of domestic production sufficient to equalize the difference between the cost of production at home and abroad—and that is the principle which it is said has controlled the committee—what objection could there be to a duty of 2 cents a pound on graphite?

Mr. WALSH of Massachusetts. None whatever; in fact, the duty ought to be more.

Mr. WALSH of Montana. In other words, in this particular case the committee has not observed any such rule.

Mr. WALSH of Massachusetts. No; but I think this particular case has this further difference—I am not convinced that the foreign graphite competes with the domestic graphite. The information that comes to me from the users of foreign graphite in America—and I am going to read some letters to confirm that statement—is that they are not in serious competition. However, it would make no difference whether they were or not, so far as this item in the bill is concerned. These rates have been agreed to haphazardly, according to information furnished for

the most part by industries developed during the war, and which made excessive profits. The graphite-mining industry is one of them. More graphite mines were opened during the war and more graphite stock was floated in America than ever before. This is really an attempt to protect a war baby, so called, an industry that came into being during the war, when it was impossible to import sufficient graphite from foreign countries.

Mr. BORAH. Mr. President——

Mr. WALSH of Massachusetts. I gladly yield to the Senator from Idaho.

Mr. BORAH. I understood the Senator to say that his information was that the foreign graphite did not come in competition with the domestic graphite.

Mr. WALSH of Massachusetts. That is my information.

Mr. BORAH. Then, if there is no competition, what difference will it make to the manufacturer or to the users of graphite in Massachusetts, for instance, whether a tariff duty is levied?

Mr. WALSH of Massachusetts. It will make no difference, except that it will increase the cost of the raw material, which will be passed on to the consumer. Graphite is now on the free list, as the Senator understands. Under one of the amendments now proposed the imported graphite will have to pay a duty equivalent to 50 per cent ad valorem. Therefore, the manufacturers who use this graphite as part of their raw material will have to pass that burden to the consumer of the finished product, and thereby increase the cost that much more.

Mr. BROUSSARD. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. BROUSSARD. May I inquire of the Senator whether or not the commodities produced by the company which is complaining against the rate on graphite are on the dutiable list or on the free list?

Mr. WALSH of Massachusetts. I beg the Senator's pardon. Will he repeat his question?

Mr. BROUSSARD. I wish to know whether or not the articles manufactured from graphite produced by the parties who protest against the duty on graphite enjoy the benefits of protection or are on the free list?

Mr. WALSH of Massachusetts. I can not tell the Senator without examining other paragraphs of the bill; but I think all of them are on the dutiable list.

Mr. BROUSSARD. Then, is it not fair, if the finished product is on the dutiable list, to put a duty on the raw product?

Mr. WALSH of Massachusetts. I quite agree with the Senator as to that, but on most of the finished products there are two duties.

There is, first, what is called a compensatory duty, which is duty on the finished article, supposed to take care of the duty upon the raw material, and then there is also a protective duty. That is illustrated in the case of shoes. On shoes there is a compensatory duty levied in this bill because of the duty levied on hides, and then there is a protective duty in addition to that for the benefit of the shoe manufacturer, supposed to represent the difference in cost of manufacturing here and abroad.

Mr. BROUSSARD. The parties who make the complaint of which the Senator from Massachusetts has spoken are not protesting against the duties which they enjoy under this bill, are they?

Mr. WALSH of Massachusetts. They are complaining about new duties being placed upon commodities which are now upon the free list, duties so high as to be almost prohibitory. But I am complaining in the interest of the public, who will finally pay all these duties.

Mr. BROUSSARD. But they are not complaining against the additional protection which has been accorded their product?

Mr. WALSH of Montana. Mr. President, if the Senator from Massachusetts will pardon me, the answer to the question addressed to him by the Senator from Louisiana is found in paragraph 216, which provides:

and articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for, 45 per cent ad valorem.

In other words, the bill imposes a duty of 10 per cent upon the raw product and 45 per cent upon the manufactured product. I read as follows from the bill.

PAR. 216. Carbons and electrodes, of whatever material composed, and wholly or partly manufactured, for producing electric arc light; electrodes, composed wholly or in part of carbon or graphite, and wholly or partly manufactured, for electric furnace or electrolytic purposes; brushes, of whatever material composed, and wholly or partly manufactured, for electric motors, generators, or other electrical machines or appliances; plates, rods, and other forms, of whatever material composed and wholly or partly manufactured, for manufacturing into the aforesaid brushes; and articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for, 45 per cent ad valorem.

The 45 per cent rate applies, apparently, to all manufactures into which graphite enters, including crucibles.

Mr. WALSH of Massachusetts. Mr. President, I will now read some letters which I have received and which I think are important in view of the discussion which has taken place here and the claim which has been urged that the imported graphite does compete with the domestic graphite. I first read from a letter from Hunt-Spiller Manufacturing Corporation, of Boston, Mass.:

HUNT-SPILLER MANUFACTURING CORPORATION,
BOSTON, *June 10, 1922.*

Hon. DAVID L. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: Replying to yours of June 4 relative to the proposed tariff on graphite:

I have been advised by the manufacturers of foundry facings of further proof that American mine graphite can not be used in the manufacture of crucibles and foundry facings.

The Dixon Crucible Co., of New York, probably the largest graphite manufacturers in the world, own extensive graphite mine interests in New York and Alabama. They consider the American crystalline graphite superior to the imported for use in the manufacture of lubricating greases and some other purposes, but it is considered by them that this graphite can not be used in the manufacture of either crucibles or foundry facings.

Other manufacturers of these two commodities agree with the Dixon Co., that in the mixture of graphite for crucibles or facings only 10 per cent of domestic graphite can be efficiently used. These facts are borne out from records obtained after experimenting for seven consecutive years. I am advised that laboratory tests have shown that a larger percentage than 10 could be used, but practical use has demonstrated this to be only a theory.

The American flake graphite is much thinner than the Ceylon grade, and takes up a larger percentage of clay in the mixture. This increased percentage of clay prevents heating the clay in the mixture rapidly, and requires about twice the time to bake, and uses double the amount of fuel.

I feel that you will agree with me that this matter is a serious one, and I am furnishing the above information in order to assist you toward arriving at a decision.

Yours very truly,

PURCHASING DEPARTMENT,
A. G. CLUKAS, *Chief Clerk.*

—

HUNT-SPILLER MANUFACTURING CORPORATION,
Boston, May 31, 1921.

Hon. DAVID I. WALSH,
Senate Chamber, Washington, D. C.

DEAR SIR: It has come to our knowledge that a certain bill is now in the hands of the Ways and Means Committee that proposes putting a tariff on graphite. This bill is known as H. R. 11815, and as manufacturers who are dependent on this raw material in the production of our goods we strongly protest against it becoming a law.

We are informed by the manufacturers of foundry facings, a commodity we use to a considerable extent, that the tax imposed on the Ceylon lead that goes in to make up the manufacture of these foundry facings will advance the cost of this commodity to us fully 100 per cent. We are further informed that this tax will not afford protection to any American industry, because domestic graphite can not be used successfully in the manufacture of foundry facings.

We sincerely trust that you will give this matter your earnest consideration, as this bill is one that will not only seriously handicap manufacturing business in general but will also be disastrous to many old-established plants.

Yours very truly,

PURCHASING DEPARTMENT,
By A. G. CLUKAS, *Chief Clerk.*

—

SPRINGFIELD FACING CO.,
Springfield, Mass., August 17, 1921.

Hon. DAVID I. WALSH,
Senate Chamber, Washington, D. C.

DEAR SIR: The report of the House Ways and Means Committee of a tariff of 10 per cent ad valorem on graphite was so much better than the 6 cents per pound asked for by the Alabama graphite miners that everyone has tried to feel satisfied, as the Alabama lobby has given the impression that they themselves were satisfied, but everyone is surprised now to find they are still working with the Senate committee for a 6 cents per pound tariff. Where there is one man employed in the graphite business in this country there are over 1,000, and probably 2,000, men—this is no exaggeration—who are employed in the brass and steel operations who will be affected seriously by this tariff, and under no consideration will it be of much help to the Alabama people, as their goods can not be used in making a desirable crucible.

There isn't a brass foundry in New England but what would tell you that during the war, when the Government insisted upon crucibles containing 20 per cent Alabama, so as to make the stock of Ceylon in this country last longer, that the crucibles were very poor, did not last one-half as long—in fact, seldom one-quarter as long—and on account of excessive clay that has to be used in making crucibles it took several times as long to heat the metal, adding extra cost for the fuel and the time of workmen. Brass foundries, as a rule, have been very hard hit, and it certainly seems a crime to add any extra burden for them to bear.

Please use your influence to keep graphite on the free list, where it has been for the past 50 years, thus helping everyone in the steel and brass industries.

Very truly yours,

L. S. BROWN.

—

WORCESTER, MASS., *August 18, 1921.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SIR: Among the items that are to be brought to your attention on the coming tariff program is a proposed duty and tariff on plumbago, graphite, or black lead.

Our industry is suffering, along with many others, in the general depression now existing. The industry was built up with plumbago on the free list, so that in these times of stress it is especially undesirable

that we should be further burdened with a tariff; in fact, it is the worst time to burden us with the tariff, as the raw material heretofore has always been on the free list.

We are endeavoring to put our business on a pre-war basis as far as costs are concerned, and anything that will increase our costs retards the returning of our industry to a firm basis.

Those who furnish us with the crude graphite are making an honest endeavor to lower the cost of our raw material, and any additional cost in the way of duty on raw material will be disastrous.

We therefore ask that you may kindly take the above into consideration.

Very truly yours,

T. P. KELLY & Co. (INC.),
C. F. BERG, *Branch Manager.*

—

BEVERLY, MASS., *April 20, 1922.*

Hon. DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR: I am writing you concerning the proposed duty on plumbago and feel, should the tariff on graphite of various kinds go through as proposed by the amendment submitted by Senator NICHOLSON, of Colorado, it will practically put the small brass foundries out of business.

Crucible graphite has so greatly increased it would make brass casting almost prohibitive and will confine the brass industry to large plants, large enough to install electric furnaces.

When you stop to consider that there are 40 using gas, coal, or oil to 1 using electric furnaces, you will see what it means to the small foundries.

Massachusetts is filled with small brass foundries, and it will deal them a body blow and will be hard for them to overcome.

I sincerely hope you will consider this matter very thoroughly from this point of view and trust this may have your early consideration.

Thanking you for anything you can do, believe me, I am,

Very sincerely yours,

ROBERT ROBERTSON,
Beverly, Mass.

—

FLORENCE, MASS., *June 1, 1921.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR MR. WALSH: It has come to our knowledge that a certain bill is now in the hands of the Ways and Means Committee that proposes putting a tariff on graphite.

This bill is known as House bill 11815, and as we operate a large machine shop and iron foundry, and are dependent on this raw material in the production of our goods, we strongly protest against it becoming a law.

It can not afford protection to any American industry, because domestic graphite can not be used successfully as a foundry facing.

A certain amount of this imported graphite has to be used in all foundry facing, and we believe that the proponents of this bill are simply using this means to increase the price of the domestic graphite.

We sincerely trust that you will give this matter your serious consideration, as it will greatly increase the cost of our manufactured goods, and at a time when we are all striving to cut the cost—in fact, are obliged to cut—in order to stimulate business.

Thanking you in advance for your consideration in this matter, we are,

Very truly yours,

NORWOOD ENGINEERING CO.,
H. W. HOSFORD, *Manager.*

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. STANLEY. I am not acquainted with all the details of this bill as I should like to be; but I assume that the various materials that are produced by these crucible-using companies are on the free list now and they are not asking for any additional protection on account of the increased cost of those materials.

Mr. WALSH of Massachusetts. Mr. President, I now read a letter from the Worthington Pump & Machinery Corporation, of Holyoke, Mass.:

TARIFF ON IMPORTED GRAPHITE.

HOLYOKE, MASS., *May 20, 1921.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: We are under the impression that the tariff on imported graphite is likely to be favorably considered before the House of Representatives and the Senate. We as users of imported graphite feel that this is not a legitimate tariff, provided it is designed to protect home industries. The graphite deposits in this country and Mexico are not of the kind nor character adapted for the use which we make of it in connection with our iron foundry, and would not and could not be used, and hence a tariff on imported graphite serves only the purpose of increasing the cost.

We bring this to your attention, and know that it will have your usual thoughtful consideration before meeting with your favor. We are

Yours very truly,

WORTHINGTON PUMP & MACHINERY CORPORATION,
DEANE WORKS, *Holyoke, Mass.*,
CHARLES L. NEWCOMB, *Manager.*

—

SPRINGFIELD, MASS., *May 25, 1921.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: It has come to our knowledge that a certain bill is now in the hands of the Ways and Means Committee that proposes putting a tariff on graphite. This bill is known as H. R. 11815, and as manufacturers who are dependent on this raw material in the production of our goods we strongly protest against it becoming a law. Our reason for this is that the tax imposed will advance the cost of our production. It will not afford "protection" to any American industry, because domestic graphite can not be used successfully in the manufacture of crucibles or foundry facings.

We sincerely trust that you will give this matter your serious consideration, as this bill is one that will not only seriously handicap manufacturing business in general but will also be disastrous to many old established plants.

Yours very truly,

GILBERT & BARKER MFG. CO.,
W. T. RAYNER, *Treasurer.*

—

SPRINGFIELD, MASS., U. S. A., *April 4, 1922.*

Hon. DAVID I. WALSH,
United States Senator from Massachusetts,
Washington, D. C.

DEAR SIR: We are informed that the Senate Finance Committee has inserted a clause in a bill before it placing a duty of 10 per cent on amorphous graphite, 20 per cent on Ceylon, and 2 cents per pound on flake.

Inasmuch as this duty will create an additional hardship on the foundry concerns, we would respectfully request that you use your influence when the bill comes before your honorable body to have this clause eliminated.

We will esteem it a particular favor if you can see your way clear to comply with our request and thank you sincerely for any effort you may use in behalf of the foundry people of this State.

Yours very truly,

THE HARLEY CO.,
G. E. TENNEY,
Assistant to President and General Manager.

—

FITCHBURG, MASS., *May 1, 1922.*

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SIR: We wish to enter our protest on any duty on imported graphite. It should be put on the free list. We are a considerable user of graphite steel melting pots, and although we have conducted some expensive experiments for the United States Government, we are not yet of the conclusion that there is any graphite existing in this country which is a suitable substitute for the Ceylon graphite.

One of the chief costs of crucible tool steel is the cost of the crucible, and anything more added to this will only be in favor of the electric furnace, which is encroaching on the crucible process continuously. The result of a tariff on graphite would be that as far as crucibles go it would tend to eliminate them; would not assist the American producer of graphite, the only advantage being that it would be a revenue producer until the importation ceased, and in the writer's opinion this is undoubtedly what would happen.

We speak as a producer of electric steel as well as crucible steel, having 15 years' experience from which to draw comparisons.

Very truly yours,

SIMONDS MANUFACTURING CO.,
A. T. SIMONDS, *President.*

—

SOMERVILLE, MASS., *April 17, 1922.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

MY DEAR SIR: As large users of crucibles in connection with our foundry work, we wish to enter our protest against the amendment with reference to increasing duty on graphite flake from 2 cents per pound to 5 cents per pound offered by Senator NICHOLSON, of Colorado. We are one of the many foundries in this vicinity not equipped with electric furnaces, making it necessary to use crucibles. This increase, if allowed to stand, will make the price of crucibles prohibitive and result in serious loss to this particular industry.

Trusting that you will use your best efforts to defeat the amendment mentioned, we beg to remain,

Yours truly,

SOMERVILLE MACHINE & FOUNDRY CO.,
By M. J., Jr.

—

CHELSEA, MASS., *April 18, 1922.*

The Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: On May 20 of last year we wrote you protesting the taking of graphite from the free list, and on May 26 you were good enough to assure us that you would give the matter your careful consideration when it came before the Senate.

We understand that after exhaustive hearings and thorough investigation the Senate Finance Committee submitted the following rates:

Graphite, amorphous, 10 per cent ad valorem.
Graphite, lump, chip, and dust, 20 per cent ad valorem.
Graphite, flake, 2 cents per pound.

We have been advised that Senator NICHOLSON of Colorado has submitted an amendment, changing the duty as follows:

Graphite, amorphous, to 1 cent per pound.
Graphite, lump, chip, and dust, to 3 cents per pound.
Graphite, flake, to 5 cents per pound.

We therefore are again taking the liberty to appeal to you and to ask you to protest against the amendment proposed by Senator NICHOLSON in so far as it will increase the tariff on graphite.

If these amended rates are enacted it would mean that the selling prices of crucibles would be so increased that it would mean that the crucible industry would be practically eliminated.

We sincerely hope that you may bring your influence to bear, and thanking you, we are,

Respectfully yours,

CONNOLLY STEEL CASTING CO.
JAMES CONNOLLY, *Treasurer.*

—

AMESBURY, MASS., *June 3, 1921.*

Hon. DAVID I. WALSH,
Senate Chamber, Washington, D. C.

DEAR SIR: We wish to call your special attention to a tariff bill about to be introduced by Congressman J. W. FORDNEY, the future of which must necessarily be of great concern to us.

The bill calls for the laying of an import duty of approximately 6 cents per pound on such grades of graphite as are used in the manufacture of crucibles. An increase of 6 cents per pound on the plumbago

(graphite) contents of crucible mixtures means that the selling price of crucibles must be considerably higher to take care of such an increase in the cost, which, with the high labor costs, etc., the poor foundryman has about all he can possibly stand and stay in business.

This bill is introduced in the interest of the domestic graphite mining industry. The graphite produced from American mines is of a flake form, and has a limited use in the manufacture of crucibles. The heavier crystalline form as it occurs in Ceylon is much more desirable for crucible purposes.

The passage of this bill will force a more extensive use of the less desirable material, and increase the cost at the same time.

We sincerely trust that you will do all in your power not to have this tariff bill enacted, as instead of helping to make the crucibles better, will have a tendency to put cheaper material into them, and, furthermore, at an added cost to us. You can readily see we would lose on both ends.

Sincerely trusting that you will give this your personal attention, we beg to remain,

Yours sincerely,

MURPHY ALUMINUM & BRONZE FOUNDRY (INC.),
WM. J. MURPHY, *Treasurer.*

—

CHELSEA, MASS., *May 20, 1921.*

The Hon. DAVID WALSH,
Washington, D. C.

DEAR SIR: We understand that graphite is to be taken from the free list, and we wish to state that we are strongly opposed to any tariff on it, and we will gladly state reasons why it is unjust.

We trust that you may bring your influence to bear against any such change, for, under the new ruling proposed, the price of graphite would be so exorbitant that it would be a serious drawback to the foundries throughout the United States.

Thanking you, we are,

Respectfully yours,

CONNOLLY STEEL CASTING CO.,
JAMES CONNOLLY, *Treasurer.*

—

CHELSEA, MASS., *May 21, 1921.*

Hon. DAVID WALSH,
Washington, D. C.

DEAR SIR: We have been advised that graphite is to be taken off the free list and made subject to a tariff of 6 cents a pound.

We are inclined to believe that some of the pressure brought to bear on the proposed legislation is being advanced by parties who are interested in certain stock manipulation.

Any influence that you may bring to bear against this proposed change would be much appreciated, as, should this ruling go through, the price of graphite would be exorbitant and a detriment to the foundry business throughout this country.

Yours very respectfully,

LOVEWELL-HENRICI CO.,
F. C. LOVEWELL, *President.*

—

CAMBRIDGE, MASS., *May 23, 1922.*

Hon. DAVID I. WALSH,
Senate Chamber, Washington, D. C.:

Your wire. We use approximately 14,000 pounds of graphite monthly. Approximate value, $700.

HUNT SPILLER MANUFACTURING CORPORATION.

—

WORCESTER, MASS., *May 24, 1922.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Telegram received. We use 500 tons amorphous graphite, value $8,000; 500 tons crystalline flake, value $50,000, per year. Please do everything possible to defeat proposed duty.

T. P. KELLEY & CO. (INC.).

—

SPRINGFIELD, MASS., *May 24, 1922.*

Hon. DAVID I. WALSH,
Senate Chamber, Washington, D. C.:

We personally should use 300 tons American amorphous, 40 to 60 tons imported amorphous, 100 tons Ceylon dust and chip. The numerous small brass and iron foundries are not organized to protest, but many have asked me to work for free tariff or at most the Fordney 10 per cent.

SPRINGFIELD FACING CO.

—

SOUTH BOSTON, MASS., *May 24, 1922.*

Hon. DAVID I. WALSH,
The Senate, Washington, D. C.:

With further reference your inquiry regarding graphite, we are opposed to tariff duty on imported graphite, as any increase would materially increase our cost of production.

HUNT SPILLER MANUFACTURING CORPORATION,
W. B. LEACH, *President.*

The telegrams just read indicate the extent to which graphite is used by a few of our manufacturers. By computing what this duty will cost them you will appreciate the heavy burden we are about to fasten on these industries at a time when they are all struggling against abnormal and most unprosperous conditions.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. STANLEY. If my generous colleague will bear with me for just one question——

Mr. WALSH of Massachusetts. Certainly.

Mr. STANLEY. As a good Democrat, which he is, and a statesman, which he is, I want to ask him this question: If the domestic graphite will not serve this purpose, the foreign graphite will have to be imported, will it not?

Mr. WALSH of Massachusetts. Exactly.

Mr. STANLEY. And if it is imported at a duty of 10 per cent, that will necessarily be a revenue duty, because it does not come in competition with any domestic product. Now, does it not strike the Senator as fair that these industries, which I understand are very highly protected—50, 100, 200 per cent—on these finished steel and brass products, ought in common conscience and common decency either to cease asking for these exorbitant duties upon their finished products or be willing to pay a little revenue to the Government?

Mr. WALSH of Massachusetts. The industries will not pay the "little revenue"; it will come out of the public, the ultimate consumers. I think we ought to bear in mind the consumers when we talk even of tariff for revenue. I will say further to the Senator that I think the Democratic Party—the Senator has referred to the fact that I am a Democrat—is in a situation to-day that it never was in before in this country.

I think this tariff legislation means that if the Democratic Party will pursue a sound sane policy it can bring to its standard and support a great many of the manufacturing interests of this country.

The greatest service that has been rendered—unintentionally, however—to the manufacturing interests of this country has been rendered by the agricultural tariff bloc. They have taught them the ridiculousness and the absurdity of the high protective system. While these manufacturers were getting protection themselves, they were happy and contented; but when other industries, like agriculture, appeared and asked for protection, they realized how false their position was, and how absurd and ridiculous it was to be contending for high protective duties for their industries alone. The argument of the agricultural bloc is, "Because you, in the manufacturing centers of this country, have become prosperous by protection, we believe we ought to have a share of it; we ought to have a part of it, and ought to participate in it." I repeat that, in my opinion, the Democratic Party, as a result of this tariff legislation, is going to have many, many Republican protectionists accept its theory on the tariff question of a tariff for revenue only and support the Democratic Party in the next campaign.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. BORAH. What is the position of the Democratic Party on the tariff?

Mr. WALSH of Massachusetts. I assume that the position of the Democratic Party is, if I may speak for the party, that it is in favor of a tariff for revenue. Many of the party platforms, however, have favored a reasonable protection.

Mr. BORAH. The Senator did not hear the able and unanswerable argument of the Senator from Alabama [Mr. HEFLIN] on graphite?

Mr. WALSH of Massachusetts. I heard the argument, but I do not agree with the Senator that it was unanswerable.

Mr. BORAH. If there is a Democrat in the United States, it is the Senator from Alabama. He is one of the distinguished leaders of the party, and recognized as such.

Mr. WALSH of Massachusetts. I think the Senator from Alabama was taking the position that now that protection is being passed around, he believes the graphite industry in his State ought to have protection. I do not agree with that policy, but I think that is the sole explanation of his advocating a protection upon the graphite-mining industry of Alabama.

Mr. BORAH. I know the views of the Senator from Massachusetts on the tariff, and so far as I know they are consistent views; but, without intending to be so, it is utterly misleading for either a Republican or a Democrat to state that there is any difference between Democrats and Republicans on the subject of tariff so far as party is concerned.

The fact is, as has been demonstrated in this bill, that when an industry springs up in any part of the country, whether it is the Democratic part of the country or the Republican part of the country, it asks for protection; and I am one of those who are in favor of granting the same protection to the industry in Alabama that is granted to the industry in Massachusetts.

Mr. WALSH of Massachusetts. Certainly.

Mr. BORAH. I think the argument of the Senator from Alabama is unanswerable, that if we are going to have protection we must protect his industry; but it leaves us in a position where there is no difference between the Democratic and Republican Parties on the tariff, just the same as there is prac-

tically no difference between the two parties on any other thing except that some are in and some are out.

Mr. STANLEY. Mr. President, if the Senator will pardon me——

Mr. WALSH of Massachusetts. I yield.

Mr. STANLEY. I hope the Senator from Idaho will not conclude that there is no principle left about which an historic party can rally because a few of our friends over here occasionally find their mouths watering when they get too near the fleshpots of Egypt. There are quite a number who have not yet bowed the knee to Baal.

Mr. BORAH. There are quite a number; but I have observed that in a crucial situation there are always enough Senators on the other side of the Chamber to make up for any losses on this side of the Chamber with reference to lowering duties.

Mr. STANLEY. Oh, at the present time I admit that with the Republican Party all wrong, and some of the Democrats occasionally wrong, the country is in a bad fix.

Mr. BORAH. I am willing that it shall be stated as the Senator states it. It is pretty difficult to tell, however, which one of the parties is all wrong at any particular hour.

Mr. STANLEY. Call the roll, and you can tell which side is wrong on the tariff at any particular hour.

Mr. BORAH. I do not know of an industry that needs protection which has not its defenders upon the other side of the Chamber. You believe in protection when it comes home to you, and it is inevitable that it should be so. It is simply a question of the degree of protection; that is all. A lot of us on this side of the Chamber do not believe in raising the wall so high that nothing can be imported. There are some, apparently, who do believe in that, but that is not true Republican doctrine. However, it must be apparent to the Senator that there are a number of articles which are being particularly supported for protection from the other side of the Chamber.

Mr. STANLEY. Peanuts, for instance.

Mr. BORAH. Peanuts, sugar, graphite, long-staple cotton, hides, and so forth.

Mr. STANLEY. Mr. President, I have often wondered how so independent a spirit and so discriminating and sagacious an intellect as that of the transcendently brilliant Senator from Idaho could be reconciled to the monstrosities of this measure on any theory hitherto advocated by free traders, consistent protectionists, who believe in the principle of equalizing the cost of production at home and abroad, or those who believe in a tariff for revenue only. My impression is that the longer the Senator tries, the worse fix he will be in.

Mr. BORAH. I have not reconciled myself to this bill.

Mr. STANLEY. I did not think the Senator had, or would, or could.

Mr. BORAH. I have voted for lowering the duty oftener than a number of Senators upon the other side.

Mr. STANLEY. With all their faults I love them still, on this side.

Mr. BORAH. And they are good Democrats. They are not to be read out of the party at all. They add respectability to the party, and there is no attempt to get rid of them at the caucus, or anything of that kind. The party recognizes them, is glad to see them, and takes their contributions and their help in the campaigns, I have no doubt.

Mr. STANLEY. There are some Democrats on this side who are not orthodox. There are some good and patriotic men of whom I am personally very fond, who are so right on other questions, constitutional questions, for instance, that I am tempted to pardon them for their heterodoxy on the tariff. But the Senator is altogether wrong—he is never consciously unjust—in this generalization that there is no interest in the South which could be aided or fostered by protection that has not its advocates. Between the Gulf of Mexico and the Canadian border, between Cape May and the Golden Gate, there are not on this continent as many different things which could receive more or less protection from duties imposed without regard to their justice or propriety than in the State I have the honor in part to represent, and I have turned a face of flint to every interested appeal from every one of those industries, great or small, for any duty which did not square with the eternal and unalterable faith that is in me, that it is industrially and politically dishonest to use the taxing power of the Government for any other purpose than to produce the revenues essential to maintain it, economically administered. Whenever I have found that a duty would not be productive of any material revenue, but would simply enable some industry to subsist by labor rather than by law, and to become a pensioner upon the Government, subsist by extortion upon consumers rather than by any material addition to the wealth of the community, that enterprise has never received my support, and, so help me God, as long as I stay in this body, it never will.

Mr. BORAH. I think the Senator is a good Democrat.

Mr. STANLEY. I am.

Mr. WALSH of Massachusetts. Mr. President, much that the Senator from Idaho [Mr. BORAH] has said I agree with, but I can not quite agree with the Senator from Idaho in his statement that the only question here is degree of protection. To my mind, there are two other questions involved. Can the industry seeking protection with reasonable tariff duties produce sufficient quantity of the protected product to take care of the American demands, and can it produce it at a reasonable price? To my mind, the difficulty with this bill, the chief underlying trouble with it, is that in bestowing protection there has been no consideration whatever paid to the ability to produce in America a sufficient supply to take care of our consumption or to do it at a reasonable price to the consumers. When we undertook to protect war babies we abandoned the old theory of protecting an infant industry, which was based on the theory that a protecting duty would enable the home industry to supply the needs of the American consumers at a reasonable price. To entitle an industry to protection there should be some evidence at hand to prove that the protected industry can produce economically sufficient quantities to take care of our consumption.

In defending this bill the other day the Senator from New Jersey stated that he did not care how insignificant was the production, if there was an industry here producing very little of the necessary consumption in America, and a competing industry in Germany, where labor was paid less than in America, he believed in giving protection to the industry. Of course, that has never been the Republican theory of protection. It has never been anybody's theory before; and the fatal defect in this bill is that in fixing the rates they have never asked the question, Can this industry ever take care of the American consumption? Can it take care of it and sell to American consumers at a reasonable price? No protective theory is sound, no protective theory will receive the support of the American people, unless it can be shown that the protected industry, with a reasonable tariff duty, can take care of our demands and sell to the consumers at a reasonable and not an exorbitant price. We can not defend a system that penalizes with excessive high prices our people in order to keep alive a few industries that never will be self-supporting without prohibitive tariff duties.

I do not think the Senator from Idaho disagrees with me very much in that theory. I agree with him that the degree of protection is a very important factor, but the extent of the ability to produce enough to take care of our demands is likewise most important. By this bill we are levying exorbitant rates upon commodity after commodity, when it is confessed and admitted that we never can take care of our consumption in America except at outrageous prices collected from our consumers. If an industry is producing 30 or 40 per cent of the demand of the American public and is meeting with serious foreign competition and is likely to be destroyed, and laborers are likely to have their wages reduced or lose their employment, I can sympathize with an argument for protection; but this bill goes away beyond that. That is why the Democratic Party can stand in opposing this bill on the old Republican protective platform.

Every sound theory which the Republican protectionists had in the past has in this bill been abandoned, for item after item has been taken up and a high tariff rate fixed because somebody wanted it—somebody who during the war, when all the products of the world were shut out of America, was able to make money out of a given product. They ask for rates and have received them in this bill to protect their industries, so as to maintain the excessive profits, the abnormal war profits, which they made at the time the American industries were not compelled to compete with any foreign industries. If the Senators in this Chamber do not realize that the American people will not tolerate a continuance of war prices in time of peace, they will find it out in the next election, when this bill will be an issue.

Mr. LENROOT. Mr. President, I would like to ask the Senator if it is his view that the American product can not serve a purpose and that this quantity will still be imported, even though the committee rates be imposed on goods from abroad?

Mr. WALSH of Massachusetts. Will the Senator state his question again?

Mr. LENROOT. Putting it another way, does the Senator think the committee rates will affect the amount of imports?

Mr. WALSH of Massachusetts. I certainly believe that is the purpose in putting the rates in this bill.

Mr. LENROOT. I want the Senator's opinion about it.

Mr. WALSH of Massachusetts. That is my opinion.

Mr. LENROOT. That it would affect them?

Mr. WALSH of Massachusetts. It is my opinion that the rates in this bill will actually shut out necessary and important products which our manufacturers and people need.

Mr. LENROOT. I am speaking of this item.

Mr. WALSH of Massachusetts. Oh, I thought the Senator was speaking of general conditions. No; I do not think it will.

Mr. LENROOT. Then how does the Senator reconcile his view, being in favor of a tariff for revenue, that this commodity should be placed upon the free list? It will produce a very large revenue, the Senator says, under the committee rates.

Mr. WALSH of Massachusetts. I do not agree with the Senator that it will produce a very large revenue. It will produce a very insignificant revenue.

Mr. LENROOT. Fifty per cent ad valorem will produce considerable revenue.

Mr. WALSH of Massachusetts. But there is very little of it imported into this country. It is only a by-product. It is only used in a very limited degree in making these graphite products, so that the only purpose of a duty is to compel the manufacturer of these products to increase the price to the consumers.

Mr. LENROOT. Then is it the Senator's view that any commodity that is not imported in large quantities should be placed on the free list on general principles?

Mr. WALSH of Massachusetts. It is my opinion that anything essential and necessary for the prosperity of our people and the happiness of our people which can not be produced in America in sufficient quantity and at a reasonable price should go on the free list. That is my view.

We have departed very far from the subject under consideration. I do not think I want to continue to read these letters. I have many more of them from reputable concerns, from writers known to myself, who state to me that the graphite imported does not compete with the domestic graphite, and that these rates will be ruinous. Under the circumstances I think it is an outrage to impose so quickly and suddenly such a heavy rate upon this product, a rate, as I pointed out a few minutes ago, which means to one dealer alone in my State an extra cost of $25,000 per annum and to another $45,000.

It seems to me this article ought to be kept upon the free list, and therefore the minority members of the Finance Committee not only oppose the amendment offered by the Senator from Colorado, but will favor the amendment offered by the Senator from Michigan to have graphite put on the free list.

Mr. LENROOT. Mr. President, I wish to say a word concerning the conversion to the doctrine of protection of the junior Senator from Alabama [Mr. HEFLIN]. No one has more frequently denounced the Republican members of the Finance Committee as being the creatures of robber tariff barons of America than the junior Senator from Alabama. He has made his speech upon salt and upon glass sand every day since those items were acted upon by the Senate, and I supposed, of course, when the distinguished Senator rose to address himself to this question that he would not only oppose the amendment offered by the Senator from Colorado, but that he would vigorously oppose the committee amendment imposing a duty upon graphite.

I supposed, of course, that he would call attention to the fact that under the Underwood law graphite is free; that he would call attention to the fact that under the Payne-Aldrich law graphite was free; and that he would allege, in accordance with his custom in regard to other articles, that the Republican members of the Finance Committee, for the benefit of a few mine owners in America, now propose to take the pennies from the school children of America by placing a tax upon the lead that is found in lead pencils. That would be exactly in accord with the arguments the Senator has made in the past.

So you can imagine my amazement when the Senator from Alabama developed his argument, and we find that he not only does not oppose the committee amendment, he not only does not oppose the amendment of the Senator from Colorado, because the rates they propose are too high, but he opposes the committee amendment because the Republican members of the committee, serving the high-protected interests, as he alleges, have not made the tariff on this article high enough, and he favors the amendment proposed by the Senator from Colorado. But, of course, this is all explained when the Senator very frankly admits that there are graphite mines in the State of Alabama.

Mr. President, seriously speaking, I am a Republican and I am a protectionist. I am for protection to the mines of Alabama. I am for protection to every industry in America. But I can not follow the argument of the Senator from Alabama [Mr. HEFLIN] or of the Senator from Montana [Mr. WALSH], who, I assume, is going to vote for the amendment of the Senator from Colorado placing a higher duty than is proposed by the committee, upon the theory, as they put it, that if we are to have the doctrine of protection, as is now settled so far as this Congress is concerned, they are going to stand for protective duties upon the products of their own States. That would be logical if they would likewise stand for protective duties for articles produced in other States, but thus far in the consideration of the tariff bill we find those Senators voting against every duty proposed by the committee and in nearly every case voting to reduce the duties to the same rates found in the Underwood law.

I submit to those Senators that they are perfectly consistent in voting either for the committee amendment or the amendment of the Senator from Colorado, if they believe that is the proper duty, if they will follow the same policy with reference to other articles in the bill. That does not mean following the committee in all cases. I have not followed the committee in all cases. I have protested against some rates. I expect to protest against others unless they are reduced. But I do submit that if Senators are going to apply one principle if the product comes from their own State, it ought to be applied as well to products which are produced in other States.

Mr. President, I only rose to say a word concerning the speech of the Senator from Alabama. I wish we could welcome him to the Republican fold as a protectionist, but I am afraid that we will find our genial friend a protectionist in spots if those spots are in the State of Alabama.

Mr. McCUMBER. Mr. President, I think Senators now will fully appreciate some of the difficulties which have beset the Committee on Finance in dealing with these questions during the last two or three months. We had the same matter before us for about three weeks of discussion before it was finally settled, as most of these matters must be settled, more or less by a compromise of views.

We find here among the ardent protectionists the Senator from Colorado [Mr. NICHOLSON] asking for a protection of about 100 per cent ad valorem. We find the ardent protectionist from the State of Michigan [Mr. TOWNSEND] demanding that the article be placed upon the free list. Here we have a divergence of views upon the Republican side.

We go then to the other side of the Chamber and we find the Senator from Kentucky [Mr. STANLEY] declaring that he would not give a cent of protection to anything in the world, and immediately we hear from the Senator from Alabama [Mr. HEFLIN], who in the twinkling of an eye is metamorphosed from an ardent free trader to a protectionist of the deepest dye. When we have these sudden conversions on the other side of the Chamber and the divergence of views on this side of the Chamber, I think Senators can realize some of the difficulties which have beset our path for the last two or three months while we were discussing this element.

Mr. President, I think it possibly might help us a little out of this babble of argument and the divergent views if I should put into the RECORD, before we vote upon the subject, a few truths at which we can just take a glance without any impassioned oratory on either side, and then vote our convictions.

We have in this paragraph three subdivisions or three different grades of graphite. We have first amorphous, which is free under the present law and free under the Payne-Aldrich law. It is produced in Mexico and in Korea. I do not think there will be any domestic competition with that kind of graphite. I agree entirely with the Senator from Michigan [Mr. TOWNSEND]. This is a tariff for revenue upon that particular commodity and not a tariff for protection, as I view it.

We have levied a duty of 10 per cent ad valorem. I think we will get some revenue out of it, and we need the revenue. I do not think it will add to the cost of lead pencils in the United States to any appreciable degree. In other words, I think the school children will get their lead pencils just about as cheaply after this becomes a law as they are getting them to-day.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. TOWNSEND. Did the Senator take this duty into account when fixing a duty on the products of amorphous graphite?

Mr. McCUMBER. Yes; we have given a duty on all of them. Some of them will be slightly competitive, certainly, because, while they are of a different character, the one to a certain extent will displace necessarily the other.

Mr. TOWNSEND. I do not think the Senator understood me. Perhaps I did not make myself clear. We have been talking about a compensatory duty.

Mr. McCUMBER. No; I am not talking about a compensatory duty.

Mr. TOWNSEND. Well, I am. The committee has placed a duty of 10 per cent on amorphous graphite. There are certain manufactures made out of amorphous graphite. The question I asked the Senator is whether he increased the duty on those manufactures because of the duty placed on amorphous graphite?

Mr. McCUMBER. I will not put it in exactly that form. I will say that we have given a duty upon lead pencils which, we think, is sufficient, and that is all that is necessary so far as the manufacturer of lead pencils is concerned.

Mr. STANLEY. Mr. President——

Mr. McCUMBER. I yield to the Senator from Kentucky.

Mr. STANLEY. It appears that this duty on graphite is a duty on lead pencils, because it puts an additional cost on every little school child that uses a lead pencil, and I naturally revolt against levying a duty upon the children at school, their scientific instruments, their school books, or their dear little lead pencils. I am sure the Senator from Michigan will agree that if we take the duty off of graphite it should also go off of lead pencils.

Mr. TOWNSEND. Mr. President——

Mr. McCUMBER. Just a moment, please. Let us see the added cost of the lead pencil by reason of the duty on this kind of graphite. I believe the duty would amount to about one-tenth of 1 cent per pound. One-tenth of 1 cent per pound, the Senator can conclude, would be about how much to the lead pencil—one ten-thousandth of 1 cent, would it be, or one one-millionth of 1 cent? I have not the time to make the computation of the figures just now, but I assume that it will not make one bit of difference in the sale of a lead pencil, whether it is a 10-cent pencil or a 5-cent pencil or a 3-cent pencil.

Mr. NICHOLSON. Mr. President, may I ask the chairman of the Finance Committee a question?

Mr. McCUMBER. I yield.

Mr. NICHOLSON. This graphite enters into the making of pencils. It is practically free when it is given a 10 per cent ad valorem duty, referring now to amorphous graphite, so that at 1 or 1½ cents a pound it would have about two-tenths or three-tenths of a cent duty. Have we placed school children's pencils upon the free list?

Mr. McCUMBER. No; we have given them a duty to protect the American manufacturer, and I have not heard of anybody crying about the cost of a lead pencil.

Mr. NICHOLSON. If it is fair to place the graphite practically on the free list, why is it not fair to place the pencil manufacturer upon the free list? Why make a fish of one and flesh of the other?

Mr. McCUMBER. We are not putting either upon the free list.

Mr. NICHOLSON. They are practically there.

Mr. STANLEY. Mr. President, I was not crying about the school children. It was the Senator from Wisconsin [Mr. LENROOT] who bitterly arraigned the cruel Senator from Alabama [Mr. HEFLIN] for levying this indefensible duty upon the school children.

Mr. McCUMBER. Oh, no; I wish to defend the Senator from Wisconsin. The Senator from Wisconsin simply stated that that was the kind of argument he had expected from the Senator from Alabama, but he did not get it.

Mr. STANLEY. It is the kind we did get from the Senator from Wisconsin. In any event, I would help these dear little ones. I hope the Senator from Michigan [Mr. TOWNSEND] will agree that if they give us free graphite, we will take the duty off of lead pencils—a 45 per cent duty—which is about one-third the value of the pencil, and which will help us very much. Of course, the graphite does not amount to so much, but every little helps these hard times, and I hope the Senator from Michigan will agree to this proposition.

Mr. McCUMBER. Mr. President, I was stating that the Mexican graphite, which is the graphite, and practically the only graphite, as I understand, that is used in the manufacture of pencils, outside of a little that may come from Korea, will in no wise affect the selling price of the graphite produced here and used entirely for different purposes.

We then come to crystalline lump, on which we give a 20 per cent ad valorem duty. There is only one deposit that I know of or that I have heard of in the United States of that particular kind of graphite. That is found in the State of Montana. This duty, while it may not be as high as the producers of Montana might consider necessary for a protective duty, will be a revenue duty and to some extent I think it will be protective, at least sufficient so the industry may continue.

Now, Mr. President, there will be a continued demand for the foreign article. It will come in because the crucible makers believe, at least, that they have to have a proper proportion of the Ceylon admixture where they use the American product, and possibly that is true.

The War Industries Board required them to use at least 20 per cent of the American product during the war in the manufacture of those crucibles. It was found that they could use them, and use them successfully, but they still believed that the foreign product is the better, and I have no doubt that the foreign product will still come in and that we will receive from it a reasonable amount of duty.

We then come to the crystalline flake graphite, upon which we place a duty of 2 cents a pound. That is found in Alabama, in New York, in Pennsylvania, and possibly to some extent in other States. That can be used and has been used without any indication of any of the detriments in the product produced by a use of 20 per cent, at least, of the Alabama product with the other American products. There was a protest by the American manufacturers of crucibles in the first instance, but, after they had used it for a while, they concluded that they could use it, and that for some purposes it was even superior to the imported article. The only question is, are we giving enough protection in order that the Alabama concern may be operated? I believe that while we are not giving a high protection, while the rate is probably rather low, we are, nevertheless, giving a protective duty that will enable them to resume operations, at least as soon as conditions become normal.

The Tariff Commission reports that at the highest peak of prices of labor and wages in the United States it cost about 10 cents a pound to produce the product in Alabama. The present price of the foreign article landed here is 7 cents a pound, including the freight. The foreign price is about 6 cents a pound, and adding 2 cents to the foreign price, including the 1 cent freight, would bring it up to 8 cents. I believe that with lower wages—and they certainly have diminished in Alabama since the high peak—and with the cost of other things going down, including the cost of freight, the extra 2 cents, bringing the price up to 8 cents, will give the American producer a full opportunity to compete with the foreign producer.

I will say frankly that I would be inclined to allow a little higher duty, but this is one of those cases in which we have the conflicting interest of the producer on the one side, the conflicting interest of the manufacturer who uses the article as his raw product on the other, and we also have Senators representing all of these divergent views. Out of all of the complexity we have brought before the Senate what might be considered as fair and reasonable a settlement as we could possibly make.

Mr. HEFLIN. Mr. President, the Senator from Wisconsin [Mr. LENROOT] seems very much amused by the attitude which I have assumed upon the pending question. I have not advocated a high protective tariff for anything, but I believe in a tariff for revenue. Under the provisions of the tariff law now in operation, which I helped to pass through the House of Representatives—the Underwood-Simmons revenue tariff law—there is now being collected between $250,000,000 and $300,000,000 revenue annually. The concerns in this country whose products compete with those which come in from abroad and are on the dutiable list in the present law, of course, derive some benefit and the Government obtains revenue.

The Senator from Massachusetts [Mr. WALSH], if I understood him correctly, has pointed out that in this instance the revenue derived from the duty on graphite provided by the Senate committee would be so small that it would amount to nothing, and that it would require about the amount collected to keep the books and keep track of that which was imported. If that is true, Mr. President, that is an admission on its face that the duty is not a sufficient revenue duty because the Government will not derive any benefit from it. Then how will the infant graphite industry derive any?

Senators on the other side of the Chamber for a long time have boasted that they were the friends of American industry; but here is an infant industry proposed to be stricken down by the hand of foreign concerns which have assumed control of the American market, and Senators on the other side of the Chamber, including the Senator from Wisconsin, are engaged in a movement over there to put graphite on the free list.

Mr. President, if there ever was a time when the Government needed money to help pay the war debt, to relieve our citizens as much as possible from many of their heavy tax burdens, it seems to me that this is the time and that the imposition of a

revenue duty on graphite is more justifiable than the imposition of a duty on any other commodity in the whole catalogue of articles included in the pending bill. This is an industry which sprung up out of necessity during the World War. The Government encouraged it, it used its products; and yet, as soon as the war clouds were gone the foreign producers came in and took charge of the American market, closed the American mines, and turned American labor out of employment. How on earth can any Senator on the other side of the Chamber justify his position in voting to put graphite on the free list?

Senators can not hide behind a screen by suggesting that I have gone over to the theory of protection. They can not get away from the fact, which must stand out before the American people, that it is not the little concern that gets aid at their hands. I have stated before, and I repeat now, that it is the big concern, which is financially strong and politically powerful, to whom Senators on the other side extend protection. It is not the little individual who is struggling, it is not the little man, it is not the average man, but the gigantic industries which are able to write big checks for Republican campaign funds. They come down here and demand at the hands of the Republicans behind closed doors that they tax the American consumers and pay back the campaign money contributed, multiplied over and over many times.

I assert again that here is such an instance. The graphite industry in my State we are told is owned largely by individuals in the East who went down there and spent their money in war times to produce this necessary material needed by the Government in the hour of its peril, and as soon as the war was over and we had won, why, their industry was forced to shut down. The Republican Party has been in power in Congress since March 4, 1919, and yet they have not turned a wheel toward helping that industry; but the great crucible makers of New Jersey, the pet corporate concerns of the home State of my distinguished friend the Senator from New Jersey [Mr. FRELINGHUYSEN], do not want any tax at all on graphite. They want it just as cheap as they can get it; they are the big consumers of it. Here is an industry treated with scorn because we want a proper tax laid that will bring some revenue to the Government and will incidentally aid an American concern that is struggling to live.

The Senator from Wisconsin says that we want to tax the school children, because graphite is used in making pencils. The Senator from North Dakota answered him by saying that this tax would never reach the school child. So a Republican has answered a Republican. I ask the Senator from Wisconsin what is he going to do about putting a tax on lead pencils which are included in this bill—not the graphite, the material out yonder, but little of which will be used in making lead pencils—but what is the Senator going to do about taxing the pencil itself—the finished product—that the school child must use in his work? I have not heard the Senator from Wisconsin speak about that.

Mr. LENROOT. Will the Senator from Alabama yield?

Mr. HEFLIN. I am glad to yield.

Mr. LENROOT. I should like to ask the Senator what he is going to do about the tax on pencils? Is he in favor of putting pencils on the free list?

Mr. HEFLIN. What is the Senator's question?

Mr. LENROOT. I should like to ask the Senator whether he is in favor of putting lead pencils upon the free list?

Mr. HEFLIN. The present tax——

Mr. LENROOT. The question I asked the Senator was whether he was in favor of putting lead pencils on the free list. That is a plain question.

Mr. HEFLIN. I am in favor of the imposition of revenue duties, but the Senator's side favors a high protection for everything which the big man makes and nothing that will aid the common man.

Now, Mr. President, comes the distinguished and genial Senator from Michigan [Mr. TOWNSEND] and wants to put graphite on the free list. He voted the other night to put salt on the tax list. I wish again to read something about the salt industry in the Senator's State, which was said by former Senator Vest, from Missouri, in a speech which was made in this body some 30 years ago. Mr. Vest said:

> It is notorious that two years ago this same Michigan salt association went into the State of West Virginia, bought up the salt springs in the valley of the Kanawha, and closed all except two, and by that means controlled also the production of salt in another State of this Union, and they were enabled to do it by reason of this tariff duty which shut out foreign competition and handicapped the foreign importer to such an extent that it left them in absolute control of the home market.

That is what that association in the State of the Senator from Michigan 30 years ago did with the salt industry of the United States. The great salt association in his State, not content in controlling the price there, went down into West Virginia, buying up competing concerns and holding them in reserve, and reducing the output so that they could absolutely control the price of salt in the United States. In the Underwood law we put salt on the free list. James A. Garfield, the honored martyred President, made a speech in favor of putting salt on the free list. Former Senator Hale, the distinguished father of the present Senator from the State of Maine, made a speech in favor of putting salt on the free list. Senator Vest was speaking in favor of free salt. Now, the Senator from Michigan has voted to tax salt, which everybody uses, 40 cents a sack; and now the Senator comes to-day and generously offers to put graphite on the free list, and but few people buy graphite. A few great big corporate concerns use it, and they do not want it on the revenue list. They do not want any revenue derived for the Government upon it. They do not want those who produce it to be incidentally helped. There you are, Mr. President.

I will tell you some of the things I voted against. Talk about voting for protection. I voted against your tax on millstones. I saw you vote a tax on that yesterday—millstones that grind the people's bread. The Republican Party actually laid a tax on millstones yesterday, Mr. President.

That is not all. I saw you tax medicines. Why, under the reign of the Republican Party your deflation policy robbed the South and the West; you closed industries; you turned labor out of employment; you bankrupted the country merchants and bankers; and now the people are down, struggling to get up again, feeble, indeed, and you put a tax on medicines. You made it hard for them to get sufficient food to keep their bodies strong, you weakened and impaired their physical beings, and you made them sick and put them to bed; the only thing left for them to do was to take medicine, and last night the medicine combine forced you to put a tax on medicine.

There is no escape from the taxgatherers of the Republican Party. You tax everything, from the swaddling clothes of the infant to the winding sheet of the dead. [Laughter.]

I saw you put a tax on potash. I remind you of that again. You have that in this bill, and every farmer in America is interested in that. You increased the price of potash to him, and then you talk about favoring a bill that is a benefit to the common man, the common masses!

I saw you vote to put a tax on cement. I mentioned that the other day, but I will mention it again, to show you how I voted. I voted against every one of these things. Why? Because there was no justification on this earth for putting a tax on cement. More cement is procured in the Senator's [Mr. TOWNSEND's] own State of Michigan than is produced anywhere in the world—4,000,000 barrels in one year, according to my recollection—and we imported only some five or ten thousand barrels of it in a year. I am not absolutely accurate about the figures, but that is my recollection of it. What excuse was there for putting a tax on cement? None on earth. Who profited by that tax? You shut out imports; you put money in the pockets of the Cement Trust; you took it out of the pocket of everybody who buries his dead; you tax them even in the grave. Cement is used in preparing graves for the dead. Cement is used for many purposes about the yard, building walk ways from the gate to the doorstep to enable the people to keep out of the mud. You have made it impossible for them to do that now. Under the reign of the Republican Party you have made them unable to buy shoes, and now you are making them walk barefooted through the mud from the gate to the doorstep by your tax on cement. [Laughter.]

Mr. President, the farmer uses cement to make pig troughs, chicken troughs, hog troughs, cattle troughs, horse troughs, mule troughs, little bridges over the branches and over the creeks, and in constructing the roads that lead from farm to market, as I said the other night.

You did that in the case of cement. What excuse did you have for it? Not any under the sun. That is the reason I fought you in that. There was not any justification in it; and it is a crime for you to tax salt. Think of it! Taking salt off the free list, where the Democratic party put it, and you laid the heavy hand of taxation upon it, and every man who buys a 200-pound sack pays 40 cents of cold coin into the coffers of the Salt Trust of America, the controlling interest of it being in the State of Michigan.

Oh, how generous is the Senator from the State of Michigan! He wants to put on the free list graphite, that his constituents use, some of them in making crucibles about Detroit, and now the Senator wants to put a tax on salt and cement and millstones, and medicines, and potash, and brick, and building stone, and all that; but when we come here to ask Congress to de-

rive some revenue from the products of a mine in America—a mine that is now closed, a mine that must be helped or stay closed, when the Government can derive revenue to help pay the war debt, and these people can be incidentally aided to open their mines and move—we find the proposition opposed by the Senator from Michigan, the Senator from Wisconsin, the Senator from New Jersey——

Mr. FRELINGHUYSEN. Mr. President——

Mr. HEFLIN. The Senator from New Jersey, who got a tax on sand. I see him come in again. He reminds me of that sand storm every time I see him.

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. HEFLIN. I am glad to yield to the Senator.

Mr. FRELINGHUYSEN. I should like to ask the Senator whether he has made up his mind yet what duty he wants placed upon this industry of his in Alabama?

Mr. HEFLIN. I will let the Senator know. I am in favor of a little higher duty than you have in the committee bill. I think we will get a little more revenue, and incidentally aid those people that you are now permitting to starve down there.

Mr. President, I did not intend to occupy very much of the time of the Senate, but I want to make this position clear: The great necessities of life are being plucked out and taken off of the Democratic free list and put upon the tax list by the Republican Party. We have many items upon our law that tax luxuries that people do not have to pay unless they indulge in the luxuries. We put a tax on some of the luxuries that only those with money to waste would have to pay.

The average man who decided that he did not want to burden himself with the luxury so taxed, could avoid paying that tax; but you put a tax on salt, an everyday necessity, and he can not avoid that. He has to have salt in order to sustain the living, and he must have cement when he buries his dead.

My friend from South Carolina [Mr. DIAL] reminds me that it will take about 2 more bushels of corn for the farmer to buy a sack of salt under the tax bill of the Republican Party.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I call the Senator's attention to paragraph 1402:

> Boxing gloves, ice and roller skates, and parts thereof, baseballs, footballs, tennis balls, golf balls, and all other balls, of whatever material composed, finished or unfinished, designed for use in physical exercise or in any indoor or outdoor game or sport, and all clubs, rackets, bats, or other equipment, such as is ordinarily used in conjunction therewith in exercise or play, all the foregoing, not specially provided for, 45 per cent ad valorem.

So the Senator will see that the Republican Party is taxing the physical perfection of our people and putting a heavy penalty both on indoor sports and outdoor sports and exercises.

Mr. HEFLIN. Mr. President, I thank my friend from Georgia for bringing that to my attention. I had already referred to the fact that they had made it very hard indeed for the common man, the average man or woman, to get enough to live on. They are frail and weak, thousands of them, under the reign of the Republican Party. We did have a few boys and girls who were going to school, and it was necessary for them to take these exercises for physical development to make them strong young men and women, and now you have laid a tax upon that sport, and you would stop the physical development of the youth of the country in order to put money into the pockets of these big manufacturers in the East who make this stuff, and who are not satisfied with the profits they make in competition with others but who want to use the taxing power of the people to put money in their pockets and increase their fortunes. That is what you are doing.

Why, think of that! The little boy who works and saves to buy himself a little baseball and a glove so that he can go out barefooted on the grass and throw the ball—every time he whirls that sphere it sings as it goes through the air: "Taxed by the Republican Party!" [Laughter.]

Mr. President, I said that you tax them from the cradle to the grave. There is no escape.

Now, to come back to what I was saying a moment ago: I was showing that I have voted against your measures that sought to increase the tax upon the American consumer and to give high protection to some concern that did not need it, and that you could not justify it. I voted to keep these things free that the general public need to buy and must have. My record is clear upon that. I favored putting a tax upon imports, as I stated before. I voted for a bill that has quite a number of items in it that we placed on the revenue list, so it is not anything new for me to advocate a fair tax upon some imports, and especially an import that roots out the home producer, shuts up his business, drives away his labor, and turns over the home market to a foreign concern that digs its product out of the earth with naked slave labor that costs 3 cents a day. It is a scandal against the Republican Party if the trusts of New Jersey can drive you to put graphite on the free list or to put such a small revenue tax upon it that the revenue will not aid the Government, and the graphite owners of America will not even be incidentally helped.

Mr. McCUMBER. I think it quite proper to put another item into the RECORD. I just got a report from the Actuary of the Treasury Department stating that the amount of tax which would be collectible under this particular paragraph was about $384,000. I think that at least is worth saving.

The Senator from Alabama has been giving us salt for our discussion every day since we voted to fix the duty on salt, and possibly it would be interesting to him to know what it is costing and going to cost the American people. I must say, in the first place, that the salt produced along the Atlantic coast usually does not go beyond the Allegheny Mountains, and the only protection, therefore, which the producers of that salt receive is the protection of the few salt wells in northern New York.

That will not affect the salt wells in Michigan or affect the prices in the Chicago market or probably anywhere else in the United States. But I will assume that it affects all of the people in the United States, and that all of them will be taxed the full amount of this duty, and I want the Senator for a moment to stop and calculate what it would mean.

Experts have calculated that in the normal span of life a man will consume about 60 pounds of salt. The 20 cents on 100 pounds, as fixed by the committee on this table salt, would therefore mean a tax of 12 cents on the whole amount of salt a normal human being consumes in a lifetime; and I hope that the average human being will be enabled, during a lifetime, to pay this 12 cents extra duty for the benefit of those who are working these salt mines of New York. I will be glad to contribute my 12 cents.

Now let us look at it from another standpoint. I have an idea that the average human being, taking him from the child to the old man, will shake about a pound of salt upon his food, or have it in his food, during a year. This rate amounts to $4 a ton, and if that individual should have the good luck to live 2,000 years, he would pay that tax of $4.

I think that a tax of $4 every 2,000 years will not seriously affect the daily life of the ordinary individual. But will not the Senator let me give him another statement, because I am not going to say anything more about salt, for I realize this, and I want the Senator from Alabama to realize it, that if he figures what it costs the Government for Congress to remain in session, the Senator will find, if he computes the time he has spent and is spending in discussing salt, that it has cost this country and will cost this country ten times as much as the duty under this tax together with the added cost of living. So I hope we can all drop the salt business long enough to get at other matters connected with the tariff bill.

Mr. HEFLIN. Mr. President, I do not agree at all with the figures that the Senator from North Dakota has suggested, that 12 cents will buy enough salt for a person for a lifetime. I do not know where he got those figures. They were probably furnished by the salt trust, or born in his own very vivid imagination.

Mr. WADSWORTH. Did the Senator get that impression from the Senator from North Dakota?

Mr. HEFLIN. That it would cost 12 cents?

Mr. WADSWORTH. Yes.

Mr. HEFLIN. Yes; I did. There was some confusion in the hall and——

Mr. WADSWORTH. The Senator got it entirely wrong. He was speaking of the tax, not the cost.

Mr. HEFLIN. The tax on salt?

Mr. WADSWORTH. Yes.

Mr. HEFLIN. That the tax would cost him 12 cents in a lifetime?

Mr. McCUMBER. I will state it so that the Senator will understand me thoroughly. Physicians and experts say that the ordinary individual consumes in an average lifetime 60 pounds of salt, and with a rate of duty which amounts to 20 cents on 100 pounds, the tax on the salt consumed in a lifetime would be about 12 cents.

Mr. HEFLIN. Yes; interested experts. Mr. President, these experts who have been down here testifying before the Finance

Committee remind me very much of the fellow who started out to find a position as school-teacher. He went into one community and told them his business, and they said, "What system do you teach, that the earth is round or flat?" He said, "I teach the round system." They said, "We don't believe in that," and he had to move on.

He thought he would accommodate himself to the situation as he found it, so when he got into another community and made known his business, and they said "What system do you teach, round or flat?" he said "Flat." He had quickly changed to meet what he thought was the prevailing situation, but they said, "We don't believe in the flat system. We believe in the round system."

So, having lost his job and having occupied two different positions within a very few hours, he decided he would adopt different tactics, and the next day, when he went to another county, and they said "What system do you teach—that the earth is round or flat?" he said, "That depends altogether on where I am teaching. If they want the round system, I give them that. If they prefer the flat system, why, I give them that." [Laughter.]

That is the way with these experts who come down here. They give whatever the tariff barons desire. Why, Mr. President, the Senator from North Dakota has only mentioned or guessed at the amount of salt eaten or consumed as food by each individual. He does not take into account the vast amount of salt used for other important purposes. Just think of the amount consumed every year by the cattlemen of the West. Salt is used in so many ways. The experts of the tariff barons are trained so as to say nothing that will hurt their cause. So we need a grain of salt with some of their statements. They say the tax on salt would be but 12 cents in a lifetime. If that was all, what right have you to tax me 12 cents for your salt trust in the United States that already controls the market? You admit that it is a tax, but you say it is not a large tax. The principle in this case is wrong.

Mr. WADSWORTH. Do I understand from the Senator it is not wrong to tax graphite?

Mr. HEFLIN. It is not wrong to have a revenue tax upon graphite, and that is what we are asking for.

Mr. WADSWORTH. Oh, I understand.

Mr. HEFLIN. The Senator lives up in a State where they have some of the big consumers of graphite, and therefore he wants it on the free list.

If this thing keeps up over there, if the Republicans decline to put a product upon the revenue list that will put money in the Treasury and aid American mines that have a right to exist; if they tax only those things that hurt the American consumers and benefit the tariff barons, and then turn right around and lay a tax upon the common necessities of life, imposing burdens upon the American consumer in the rank and file out yonder, you can not save the old G. O. P. carcass in November with all the salt in the universe. [Laughter.]

On the one hand, they desert their ancient doctrine, that they will go to the rescue of an infant industry, and in this case they are killing one outright, and they know it. We pointed out to them that this American graphite industry was practically dead, and the American market fed and controlled by a foreign producer. Here stands one of the leaders on the other side, the distinguished Senator from Michigan [Mr. TOWNSEND], advocating putting it upon the free list; and the Senator from New Jersey [Mr. FRELINGHUYSEN], the first part of whose name suggests he would favor a free list, is agreeable to a rate on it that is so low that it would amount to practically nothing and bring in no revenue.

Mr. FRELINGHUYSEN. Mr. President, is the Senator yet ready to answer my question as to what tariff he desires on this industrial plant in his State?

Mr. HEFLIN. I believe the Senator from North Dakota said it cost about 10 cents a pound to get it out of the mines down there, and that you get it abroad for 6 cents; that freight and other charges would run it up to about 8. Then they undersell the producer at the mine, with the actual cost of production, 2 cents a pound, and the Senator from Michigan wants to put it on the free list, and the Senator from North Dakota wants to fix a rate which would make the price of the foreign product just exactly what it costs the miner to get it out at the mouth of the mine in Alabama.

Mr. FRELINGHUYSEN. May I ask the Senator what his conclusion is after his computation?

Mr. HEFLIN. I stated to the Senator at the outset that I am opposed to the rate the committee has adopted. I think it ought to be higher. I do not say that I favor going as high as the Senator from Colorado has gone. I will probably offer an amendment myself, perhaps to come in somewhere between those two. I do not want to ask for more than is necessary, and I do not want to have the graphite producers deceived by whatever you are going to offer. I state, as I stated before, that I am not an expert upon rates, but I am talking about the everlasting principle. How can you stand here and vote to put millstones upon the tax list and vote to tax the people's medicines, and vote to put cement on the tax list, and to put salt upon the tax list, and to put potash upon the tax list, and then turn around and knock graphite in the head simply and solely because the big corporate concerns in the East have told you what to do in the matter? And here you are refusing to raise revenue on thousands of tons of graphite coming into the United States and destroying a home industry.

Mr. WALSH of Montana. Mr. President, I do not rise to advocate either an increase or a decrease in the duty on graphite, but to call attention to some considerations which it seems to me are pertinent to the inquiry that is before us, and to clear up what I conceive to be some misconceptions concerning some features of the question.

I might say in this connection, however, that if the Senator from Wisconsin [Mr. LENROOT] conceives, as I understand him to say, that he expects to find me an advocate of high protective duties with respect to the products of the State of Montana, and the supporter of some other principle with respect to the products of some other State, my votes on this measure will disillusion him.

I might add also that if the Senator from Wisconsin sees no difference between the attitude of a Senator who votes in favor of a duty upon certain products of his State when a bill is to be passed containing high protective duties—although that principle will not govern my action—if he sees no difference between the attitude of the man who votes in favor of a duty upon the products of his State, but who proposes to vote finally against the bill, and a man who votes in favor of a high protective duty upon the products of his State upon an understanding, expressed or implied, that he will also vote for high protective duties which are asked by Senators representing other States, under an agreement also to vote eventually for the bill, I do not think he senses the situation very clearly.

It was charged by the Senator from Nebraska [Mr. HITCHCOCK] a few days ago, or suggested at least, that all the indicia pointed to the conclusion that the tariff bloc had entered into an agreement under which they were to have the support of the other Senators favoring the bill on the agricultural items in the bill, and they would close their eyes and their minds to the iniquities of the other provisions of the bill in order to get what they desired.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I will yield in just a moment. I do not undertake to say that it is true or that it is false, but the position of the man who puts himself in the attitude of supporting the bill, whatever objections there may be to it, because he gets protective duties upon products of his own State, it seems to me occupies a reprehensible position as a legislator.

I now yield to the Senator from Idaho.

Mr. GOODING. I wish to make a statement in reply to the suggestion of the Senator from Montana that there has been any contract or agreement entered into by the tariff bloc, as he is pleased to call it. That statement is without foundation and without any truth at all. In no particular whatsoever, on any schedule, at any time, have the members of the tariff bloc, as Senators are pleased to call it, entered into any agreement with any member of the Finance Committee, nor have they been asked to my knowledge to support the Finance Committee, so far as that is concerned. I wish to say here and now that the tariff bloc in the Senate, as Senators call them, had to fight for everything they got, not all the members of the Finance Committee, but some of them, and we only got what we did after a hard fight for it and after a complete showing of the need for it, so far as every industry is concerned that we represented. Every member of the tariff bloc, so called, is at liberty to vote as he pleases, so far as that is concerned.

Mr. WALSH of Montana. I have not said a thing against the tariff bloc and have made no charge against anybody. The fact is, however, that the members from the agricultural States have been repeatedly voting for duties here, levying the highest kinds of taxes upon articles of large consumption in their States, duties which some of the Representatives from those States upon the other side of the Chamber consider in the nature of extortion, and yet the members of the so-called tariff bloc come in regularly in large numbers and vote for those duties, leading to the conclusion that they did so upon the understanding that they were to have the duties they asked upon their products.

Mr. GOODING. Mr. President——

Mr. WALSH of Montana. Does the Senator care to say anything about that remark?

Mr. GOODING. Yes; I do.

Mr. WALSH of Montana. Then I yield gladly.

Mr. GOODING. I, myself, and a number of other Senators who belong to the tariff bloc, as it is called, saw a great deal of the work of the Finance Committee. I was there in attendance almost as much as a great many members of the Finance Committee, even after the public hearings were over. I want to say that I never saw men work harder and with more earnestness than they did in the framing of the bill. I saw from four to a dozen experts there every day. I saw the committee almost quarrel over little rates all day long in their efforts to arrive at what were fair and reasonable duties, figuring not from the revenue standpoint but from the protective standpoint of giving protection to labor and to American industry.

So far as I am concerned I have complete confidence in the Finance Committee. Unless I am convinced that the rates are too high, I propose to support them, so far as I am concerned, all the way through. That, however, has never been discussed. Some of the rates I shall not support, however. There are a few for which I shall not vote, perhaps.

I want to repeat that I saw the committee working there all day long, day after day, sometimes far into the night, with a blackboard before them and with the experts there, who did not always agree. The committee, of course, did not always agree. If a record were kept of the votes of the committee, I have no doubt it would show that probably more than half the time they did not agree so far as the rates are concerned—that is, they did not agree unanimously—and yet it is thrown out or intimated from the other side of the Chamber that the bill was framed behind closed doors in the interest of the predatory wealth of the country and that the lobbies were packed with representatives of predatory wealth.

Mr. WALSH of Montana. The Senator has not heard me say anything of the kind.

Mr. GOODING. No; I will not say the Senator has said it; but it has been said on his side of the Chamber.

Mr. WALSH of Montana. It seems to me the remarks of the Senator are rather irrelevant to anything I have been talking about.

Mr. GOODING. I think they were very much to the point.

Mr. WALSH of Montana. However, I am glad to have the contribution of the Senator. I have not been criticizing the Senate Finance Committee very much.

Mr. GOODING. But they have been criticized very much from the Senator's side of the Chamber.

Mr. WALSH of Montana. I do feel like criticizing, however, those Senators who, without inquiring whatever into the conclusions arrived at by the committee and without hearing the debates upon the particular items, come in here regularly and vote with the committee.

Mr. GOODING. I want to say that in my judgment some of the duties are not high enough from the protective standpoint. I do not believe they will give the market in some instances to the American producers or that they will start the mills and factories in this country, because they are not high enough. I have not agreed with Senators that the people will not stand for 400 and 500 per cent protection in order to start an industry. I do not agree with Senators in their refusal to adopt the American valuation plan, because it would mean 400 or 500 per cent protection. I think the American people will stand for any duty to keep alive and going the business concerns of this country which give employment to our laboring men, rather than to turn any of our industries over to some foreign country.

I am a protectionist, and I am for seeing these mills started and for the industries in this country having an opportunity to run full time if there is a market in America for their products.

Mr. WALSH of Montana. Mr. President, I am very glad at all times to yield to my neighbor from the State of Idaho, but his comments have no sort of relation to anything I have been discussing at all. However, now that he has introduced the subject, I take this opportunity to say that the Senator and I differ most radically. My conception of the situation is that the depressed condition of industry in this country to-day is due to the fact that our market abroad has collapsed by reason of the failure of the purchasing power of Europe. I know that to be the case with reference to the two great products of my State, copper and wheat.

Anything I can do to assist the people over in Europe in the way of quieting their disturbed political condition by way of extending them such credits as we can that will enable them again to get into the markets and absorb our products I want to do. Of course, I understand the Senator from Idaho differs with me, but at this time, considering the necessity we have for shipping our surplus products abroad, where they may be absorbed, I do not believe that it is a wise policy to set up a tariff wall so that those people can not sell to us, because if they do not sell to us they can not buy from us. That is, of course, my attitude about the matter, but the Senator's attitude is quite different. He thinks the mills of this country will open up when this tariff bill is passed. I think they will not do so. I think it will close down the industries of the country. I am sure it will retard, at least, the development of the copper interests and I feel confident that it will be injurious to the wheat markets. But that is altogether aside from the matter of graphite, to which I desire to address myself.

The Senator from Massachusetts [Mr. WALSH] read some letters from constituents in his State who are consumers of graphite to the effect that the American product can not take the place of that imported from Ceylon, that it will not fill the requirements for the production of crucibles and other like contrivances used in foundries. That is a disputed proposition upon which the committees of both Houses have heard considerable testimony. I shall not undertake at this time to enter into the controversy further than to call attention to the respective contentions with respect to this matter and the conclusions of our own Government in relation thereto.

We have heard what is said concerning the unavailability of the American product for use in the production of crucibles and in foundry work. Before the Senate Committee on Finance Mr. George A. Sharpe was heard on that subject and testified as follows:

> Mr. Kern said he searched the entire United States in a diligent effort to find a crucible maker who was making crucibles out of American flake graphite, and he could find none.

Mr. Kern was a user of graphite and was desirous of having it retained on the free list. Mr. Sharpe said:

> His search was careless because he overlooked the Electro-Refractories Corporation of Buffalo, N. Y. This concern is making crucibles out of nothing but American flake graphite, mixed with American clay and other American materials; in other words, they are making an all-American crucible. They are selling from 1,500 to 2,000 of these all-American crucibles a month to one of the largest consumers of graphite crucibles in the United States. Instead of getting 26 heats to the crucible, as Mr. Pettinos testified this morning was the limit for a Ceylon crucible, this large consumer is getting an average in carload lots of 85 heats to the crucible.
>
> Senator WATSON. That letter is already in the record?
>
> Mr. SHARPE. Yes. I am simply comparing the number of heats that crucibles made from the American material yields with the number of heats obtained from the use of the Ceylon product which so many of our crucible manufacturers advocate.
>
> Senator WATSON. Is that the only establishment in the United States using the American graphite?
>
> Mr. SHARPE. That is the only one I know of at present.
>
> Senator WATSON. If they can do that, why don't more use it?
>
> Mr. SHARPE. I think they will. This result was obtained by the Electro-Refractories Corporation of Buffalo, N. Y., and is in keeping with and supported by the reports of Doctor Stull, of the Bureau of Mines, in which he says that Alabama flake graphite tops the list for crucible use. If we get the tariff we ask—from 1 cent on crude up to 6 cents on flake—we shall be satisfied. Flake is the particular grade which goes into crucibles, and with our tariff the consumer will get a better and a cheaper crucible.

So, Mr. President, if one should govern his action in this matter upon the assumption that American graphite is unavailable for use in the manufacture of crucibles, he would be proceeding upon an entirely false assumption. Also, if he is of the opinion that there is no competition between the American graphite and the importations from Ceylon, he would likewise in all probability be in error.

But whatever may be the case with respect to the graphite produced in this country, down in Alabama and in New York it is conceded, I think, that the Montana product serves all the purposes of the Ceylon graphite and is the equal of it in every respect. I read from the report of the Tariff Commission, which quotes a report by the Bureau of Mines, as follows:

> There is, however, one deposit in Montana which has lately been producing crystalline graphite that is of the same physical character as the Ceylon material. The quantity ultimately available has not been proved, but is believed by the operators to be sufficient to supply domestic demands for many years to come. Alabama flake is also accepted by certain companies as satisfactory crucible material and has shown even superior results in crucible tests reported by Doctor Stull in the Journal of the American Ceramic Society, March, 1919.

I should like to read that again for the information of the Senator from Massachusetts.

> There is, however, one deposit in Montana which has lately been producing crystalline graphite that is of the same physical character as the Ceylon material. The quantity ultimately available has not been proved, but is believed by the operators to be sufficient to supply domestic demands for many years to come.

I have here, Mr. President, a sample of that graphite, which may be interesting to some of the Senators. This [exhibiting],

as Senators will see, is crystalline in character; it exists in a vein formation. As to the quantity available, I have the following statement from the owners of the property:

STATEMENT OF THE CRYSTAL GRAPHITE CO.

DILLON, MONT.

We have here in Beaverhead County, Mont., eight claims, of 20 acres each, being 600 feet wide and 1,500 feet long, located end to end, making a strip over 2 miles long and 600 feet wide across the mountain. On this strip we have developed sufficient to prove that crystalline graphite extends along the whole length of the claims. The greatest depth we have developed is practically 200 feet, at which depth we find the graphite equally as good but more compact than nearer the surface; so at that depth we are enabled to secure the mineral in a cleaner condition than nearer the surface. However, surface indications, down the mountain at least 1,000 feet below our lowest level, contain graphite, which shows the material extends at least to that depth. How much deeper we can only guess. It is hard to prove the tonnage of graphite on these claims, but under these conditions it must be many hundred thousand tons.

I speak of this, Mr. President, for the purpose of indicating that American graphite may be produced in abundance to supply all the domestic needs of that particular commodity, and that the quality is equal to the best that can be produced anywhere in the world.

We are told that this bill is framed upon the theory that in case any American product by encouragement may be developed so as to supply the domestic needs, and equal in quality to that which shall come from abroad, it should be protected by a duty which will equalize the differences in competition in the markets of the United States.

Mr. President, it is practically conceded that the duty fixed in this bill by the House—10 per cent—is nothing so far as protection is concerned; it is practically conceded that the duties fixed by the Senate Finance Committee amount to nothing so far as protection is concerned.

Mr. NICHOLSON. Will the Senator from Montana yield for a moment?

Mr. WALSH of Montana. I yield to the Senator from Colorado.

Mr. NICHOLSON. Did I understand the Senator from Montana to state that the duties fixed by the House were nothing?

Mr. WALSH of Montana. The House bill imposed a duty of 10 per cent. I said that amounted to practically nothing so far as protection is concerned. Paragraph 211 as the bill came from the House provides:

Graphite or plumbago, crude or refined, not specially provided for, 10 per cent ad valorem.

Mr. NICHOLSON. And the Senate Finance Committee accepted the rate fixed by the other House?

Mr. SMOOT. No. The Senate committee amendment reads:

PAR. 213a. Graphite or plumbago, crude or refined: Amorphous, 10 per cent ad valorem; crystalline lump, chip, or dust, 20 per cent ad valorem; crystalline flake, 2 cents per pound—

And so forth.

Mr. WALSH of Montana. On amorphous graphite the Senate committee rate is the same as the House rate, 10 per cent ad valorem; but on crystalline lump, chip, or dust the Senate committee rate is 20 per cent ad valorem, and on crystalline flake 2 cents per pound.

Mr. MYERS. Mr. President, I should like to ask my colleague a question, as he evidently has given the subject considerable attention. What is the principal kind of graphite produced in this country? Is it crystalline or amorphous?

Mr. WALSH of Montana. The principal production is amorphous. I can give the Senator the figures.

Mr. MYERS. There is more of amorphous than crystalline graphite produced in this country?

Mr. WALSH of Montana. Yes.

Mr. President, I call attention to this matter for the purpose of showing that the principle upon which this bill is framed, as we are told, is not applied to this particular commodity. Of course, this commodity goes into the manufacture of crucibles, and crucibles are used in all manner of foundry work, and particularly in the manufacture of steel products. The Montana producers were able to operate with a fair degree of profit during the war when prices mounted to something like $200 a ton. Their shipments were all made to Pittsburgh, the center of the steel-manufacturing industry, and presumably were consumed very largely, if not altogether, in that industry.

There is, Mr. President, a question of policy here as to whether it would be wiser to burden the manufacturers of steel and other products in the production of which graphite is necessary, and thus possibly cripple our manufacturers of steel in their contest with producers from other countries in the markets of the world, and allow the graphite deposits of this country to go undeveloped for the present, or whether it would be the wiser policy to impose this burden upon the manufacturers of steel and other manufactures in which graphite is employed, and thus contribute to the development of the graphite industry in this country. In other words, for the purpose of illustration, it is a question of which is relatively the more important—the development of the graphite industry upon the one side or the production at a low cost of steel on the other? Apparently the committee believed that it was in the public interest to relieve the steel manufacturers from the burden of this added cost rather than to contribute to the development of the graphite industry.

But there is a provision in this bill to which I addressed myself some time ago, section 315, to the effect that whenever the President of the United States shall find that the duty provided for in the bill does not equalize the differences in competition in trade as between the domestic article and the foreign article in the markets of the United States he shall, within the limit of 50 per cent, fix the duty at such an amount as will equalize the differences. So that in the case of this particular commodity it would be the duty of the President of the United States, immediately upon the bill going into effect, to raise the duty on graphite 50 per cent above the rate fixed by the bill, and thus to develop the graphite industry. In other words, the President is called upon by the bill to pursue a policy at variance with the policy which is adopted by the Finance Committee and which will receive the approbation of the Congress if the bill is eventually passed.

To show that this duty will be nothing, I read further from the statement given to me by the Montana producers of graphite:

Domestic cost of production with us during the war ran as high as 11 to 11½ cents per pound. With the reduced cost of living and reduced cost of labor, which we anticipate, we believe we can produce our material for 8 to 8½ cents per pound.

So it will be observed that even with the 2 cents duty provided by the bill, the 8½ cents limit to which they expect to reduce the cost can not be reached, not to speak at all about the cost of transportation from Dillon, Mont., to Pittsburgh, Pa. So I point out that this is not a protective rate. It can not be said to equalize the differences in competition in this particular article in the markets of the United States.

Frankly, Mr. President, it is perfectly obvious that the Senate Finance Committee concluded that it would be better not to burden the steel interests with this added cost of production of their particular commodity. That policy was manifested not alone in connection with graphite, but, as I called to the attention of the Senate the other day, the same policy was observed with reference to manganese, another important product of my State, which was put upon the free list. It enters into the production of steel. So with magnesite. That commodity is on the dutiable list, but with practically only a revenue duty imposed upon it. It also enters into the production of steel. The same statement applies to chrome, another valuable mineral, a product of the Western States, of which my State can supply unlimited quantities, and which likewise is used in the production of steel.

The fact about the matter is that this bill is framed as all similar tariff bills are framed. It is a question of which particular interest will be able to bring the greatest amount of influence and pressure to bear upon those who control the making of it. Take this particular product, consumed very largely by the Dixon Crucible Co., whose headquarters are in the State of New Jersey. My esteemed friend, the Senator from New Jersey [Mr. FRELINGHUYSEN], wants graphite on the free list, or he wants the duty on it to be practically negligible. So my esteemed friend from Massachusetts [Mr. WALSH], who represents the consumers of that State, wants it upon the free list or to have an inconsequential or insignificant rate of duty.

Mr. WALSH of Massachusetts. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. WALSH of Massachusetts. I think I ought to state to the Senator that I am in favor of placing graphite on the free list not because there happen to be users of the commodity in Massachusetts. If they were in New York or Pennsylvania, I would take the same position.

Mr. WALSH of Montana. I appreciate that; the Senator's position upon this question is practically my own. His attention was called to this question by reason of the fact that graphite is consumed in his State.

Mr. WALSH of Massachusetts. Exactly.

Mr. WALSH of Montana. That was all; that is how he happened to learn about it. If it were not consumed in his State, and he learned about it in some other way, I am sure he would take exactly the same attitude with respect to it. However, the point I am making is that the announcement that this bill is framed upon the theory of equalizing the differences in the cost of production or differences in competition in trade in the markets of the United States between the foreign producer and the American producer is entirely refuted by this par-

ticular commodity, as well as by others to which I have called attention, all of which are the products of the Western States.

The PRESIDING OFFICER (Mr. LADD in the chair). The question is on the amendment offered by the Senator from Colorado to the amendment of the committee.

Mr. MYERS. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 37, line 10, it is proposed to amend the committee amendment after the word "amorphous" and the comma by striking out "10 per cent ad valorem" and inserting in lieu thereof "1 cent per pound."

Mr. NICHOLSON. On that I ask for the yeas and nays; and meanwhile I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Simmons
Ball	Harris	Moses	Smith
Brandegee	Harrison	Myers	Smoot
Bursum	Heflin	Newberry	Spencer
Calder	Johnson	Nicholson	Sutherland
Capper	Jones, N. Mex.	Norris	Townsend
Caraway	Jones, Wash.	Oddie	Underwood
Curtis	Kellogg	Page	Wadsworth
Dial	Kendrick	Phipps	Walsh, Mass.
Dillingham	Ladd	Pittman	Walsh, Mont.
Edge	La Follette	Poindexter	Warren
Elkins	Lenroot	Ransdell	Watson, Ga.
Ernst	Lodge	Rawson	Williams
France	McCumber	Robinson	
Gerry	McKinley	Sheppard	
Glass	McLean	Shortridge	

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum is present. The question is on the amendment proposed by the Senator from Colorado [Mr. NICHOLSON] to the amendment of the committee.

Mr. MYERS. I ask that the amendment be stated again.

The Assistant Secretary restated the amendment to the amendment.

Mr. NICHOLSON. I ask for a roll call.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Transferring my pair with the Senator from Florida [Mr. TRAMMELL] to the Senator from Pennsylvania [Mr. CROW], I vote "nay."

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Pennsylvania [Mr. PEPPER], and will vote. I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as on the previous vote as to the transfer of my pair, I vote "yea."

Mr. KENDRICK (when his name was called). Having a general pair with the senior Senator from Illinois [Mr. MCCORMICK], and being unable to secure a transfer, I am compelled to withhold my vote. If at liberty to vote, I should vote "yea."

Mr. MOSES (when Mr. KEYES's name was called). I wish to announce the absence of my colleague [Mr. KEYES] from the Senate to-day on account of illness. If he were present, he would vote "nay" on this question.

Mr. WATSON of Georgia (when his name was called). I transfer my general pair with the Senator from Arizona [Mr. CAMERON] to the Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Texas [Mr. CULBERSON], and will vote. I vote "nay."

The roll call was concluded.

Mr. CURTIS. I was requested to announce the absence of the junior Senator from Pennsylvania [Mr. PEPPER] on official business. I also desire to announce the absence of the junior Senator from Ohio [Mr. WILLIS] and the senior Senator from Ohio [Mr. POMERENE]. They are paired on this question and all others.

Mr. WARREN (after having voted in the negative). Has the junior Senator from North Carolina [Mr. OVERMAN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. WARREN. I have a standing pair with that Senator. I transfer the pair to the junior Senator from Oregon [Mr. STANFIELD], and allow my vote to stand.

Mr. MCCUMBER. I have a general pair with the junior Senator from Utah [Mr. KING]. In his absence I transfer that pair to the Senator from Maryland [Mr. WELLER], and vote "nay."

The result was announced—yeas 22, nays 47, as follows:

YEAS—22.

Broussard	Gooding	McKinley	Shortridge
Bursum	Heflin	McNary	Sterling
Capper	Johnson	Nicholson	Wadsworth
Caraway	Jones, N. Mex.	Oddie	Warren
Elkins	Jones, Wash.	Phipps	
Ernst	Ladd	Poindexter	

NAYS—47.

Ashurst	Gerry	Myers	Smoot
Ball	Glass	Nelson	Spencer
Brandegee	Hale	Newberry	Stanley
Calder	Harris	Norris	Sutherland
Colt	Harrison	Page	Swanson
Curtis	Kellogg	Pittman	Townsend
Dial	La Follette	Ransdell	Underwood
Dillingham	Lenroot	Rawson	Walsh, Mass.
Edge	Lodge	Robinson	Walsh, Mont.
Fletcher	McCumber	Sheppard	Watson, Ga.
France	McLean	Simmons	Williams
Frelinghuysen	Moses	Smith	

NOT VOTING—27.

Borah	Harreld	New	Shields
Cameron	Hitchcock	Norbeck	Stanfield
Crow	Kendrick	Overman	Trammell
Culberson	Keyes	Owen	Watson, Ind.
Cummins	King	Pepper	Weller
du Pont	McCormick	Pomerene	Willis
Fernald	McKellar	Reed	

So Mr. NICHOLSON's amendment to the committee amendment was rejected.

Mr. HEFLIN. If I may, I would like to offer an amendment to make the rate one-half cent a pound.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. The Senator from Alabama proposes to strike out "10 per cent ad valorem" and to insert "one-half of 1 cent per pound."

Mr. ROBINSON. I would like to ask the Senator a question in regard to his amendment to the amendment. What would be the ad valorem equivalent?

Mr. HEFLIN. About 33⅓ per cent, probably. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as on the previous vote, I vote "yea."

Mr. KENDRICK (when his name was called). Making the same announcement as to the unavoidable absence of my pair, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. MOSES (when Mr. KEYES's name was called). I am authorized to state that if my colleague [Mr. KEYES], who is absent on account of illness, were present, he would vote "nay" on this amendment to the amendment.

Mr. MCKINLEY (when his name was called). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me a moment ago concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 20, nays 47, as follows:

YEAS—20.

Ashurst	Gooding	Ladd	Pittman
Broussard	Heflin	McNary	Robinson
Bursum	Johnson	Nicholson	Sheppard
Capper	Jones, N. Mex.	Oddie	Shortridge
Elkins	Jones, Wash.	Phipps	Wadsworth

NAYS—47.

Ball	Edge	Harris	McKinley
Brandegee	Ernst	Harrison	McLean
Calder	Fletcher	Kellogg	Moses
Colt	France	La Follette	Myers
Curtis	Frelinghuysen	Lenroot	Nelson
Dial	Glass	Lodge	Newberry
Dillingham	Hale	McCumber	Norris

Page	Smith	Sutherland	Walsh, Mont.
Poindexter	Smoot	Swanson	Warren
Ransdell	Spencer	Townsend	Watson, Ga.
Rawson	Stanley	Underwood	Williams
Simmons	Sterling	Walsh, Mass.	

NOT VOTING—29.

Borah	Gerry	New	Stanfield
Cameron	Harreld	Norbeck	Trammell
Caraway	Hitchcock	Overman	Watson, Ind.
Crow	Kendrick	Owen	Weller
Culberson	Keyes	Pepper	Willis
Cummins	King	Pomerene	
du Pont	McCormick	Reed	
Fernald	McKellar	Shields	

So Mr. HEFLIN's amendment to the committee amendment was rejected.

Mr. BURSUM. Mr. President, I desire to offer an amendment in regard to the first item in the paragraph. I submit that we ought to give some measure of protection to this industry. There is no reason why a sufficient quantity of graphite to entirely satisfy and fulfill all the demands of the country should not be produced by Americans.

We should give the producers of graphite a little encouragement. If protection means anything, if the fixing of these rates of duty means anything, it means equalizing the difference between the cost of production here and the price for which the foreign article can be bought. It is immaterial as to what the percentage is. It may be 5 per cent, or it may be 300 per cent, but if that principle is right we ought to extend it all over this country, whether it be the East, the North, the West, or the South. If it is right to protect industries in one part of the country, it is right and proper to protect them in another portion of the country. The American wage earner, the laborer, in the State of Montana or the State of California or the State of Texas is just as much in need of that protection and entitled to it as the laborer in the State of Maine, or the State of Massachusetts, or the State of Alabama, or any other State.

Possibly the rates which were proposed were a little high. The rate proposed by the committee in the first portion of the paragraph is nothing more nor less than a revenue rate. It follows the Democratic policy, pure and simple. I would like to see these schedules adopted on the basis of protection to American producers and American labor.

I move to amend the first item in the paragraph by inserting one-fourth of 1 cent a pound. That will mean $5 a ton. It will mean $4 a ton on the basis of 80 per cent ores coming from Colorado. Those ores have been bringing $9 net. That will mean approximately a little better than 40 per cent protection. I believe it would greatly encourage production if we adopted this amendment to the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On line 10, page 37, strike out "10" and insert in lieu thereof "one-fourth of 1 cent a pound," so that it will read:

Amorphous, one-fourth of 1 cent per pound.

Mr. JONES of New Mexico. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as before, I vote "yea."

Mr. KENDRICK (when his name was called). I again announce the absence of my pair, the Senator from Illinois [Mr. MCCORMICK]. Being unable to obtain a transfer, I withhold my vote.

Mr. MOSES (when Mr. KEYES's name was called). I again announce that my colleague [Mr. KEYES] is absent on account of illness. If present he would vote "nay."

Mr. MCKINLEY (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Pennsylvania [Mr. PEPPER], and vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement previously made as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the junior Senator from Indiana [Mr. NEW] is paired with the junior Senator from Tennessee [Mr. MCKELLAR], and that the junior Senator from Ohio [Mr. WILLIS] is paired with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 23, nays 46, as follows:

YEAS—23.

Ashurst	Gooding	McNary	Rawson
Borah	Heflin	Nicholson	Sheppard
Broussard	Johnson	Oddie	Shortridge
Bursum	Jones, N. Mex.	Phipps	Sterling
Capper	Jones, Wash.	Pittman	Wadsworth
Elkins	Ladd	Poindexter	

NAYS—46.

Ball	Hale	Nelson	Stanley
Brandegee	Harris	Newberry	Sutherland
Calder	Harrison	Norris	Swanson
Colt	Kellogg	Overman	Townsend
Curtis	La Follette	Page	Underwood
Dial	Lenroot	Ransdell	Walsh, Mass.
Dillingham	Lodge	Robinson	Walsh, Mont.
Ernst	McCumber	Shields	Warren
Fletcher	McKinley	Simmons	Watson, Ga.
France	McLean	Smith	Williams
Frelinghuysen	Moses	Smoot	
Glass	Myers	Spencer	

NOT VOTING—27.

Cameron	Fernald	McCormick	Reed
Caraway	Gerry	McKellar	Stanfield
Crow	Harreld	New	Trammell
Culberson	Hitchcock	Norbeck	Watson, Ind.
Cummins	Kendrick	Owen	Weller
du Pont	Keyes	Pepper	Willis
Edge	King	Pomerene	

So Mr. BURSUM's amendment to the committee amendment was rejected.

Mr. TOWNSEND. Mr. President, I desire now to offer the amendment which I gave notice I would offer, namely, on page 27, line 10, to strike out the words "amorphous, 10 per cent ad valorem," my argument being that this is not a protective duty. The product could not be protected by any duty as the article which is brought in and used here is not produced in the United States.

Mr. WALSH of Montana. Mr. President, I thought I had demonstrated the error of that conclusion, but if the Senator from Michigan finds it necessary to insist upon his proposition, I shall perhaps be obliged to go over the argument again.

Mr. TOWNSEND. The Senator from Michigan heard the Senator from Montana and listened very attentively to his argument. Unless the Senator from Montana has something new to present in reference to the matter, it is not necessary that he should repeat his statement. My own investigation has led me to believe to the contrary of his view of the facts as they exist with reference to the use of this product in the concern where it is manufactured.

I have no doubt that is the opinion of the Senator. I have my own opinion with reference to the matter and I am a protectionist. There is no reason in the world why I should not favor a duty upon this product.

However, if it is true, as the Senator from Utah [Mr. SMOOT] just suggests to me, that if my amendment is agreed to this item will go into the so-called basket clause of the tariff bill and thus will carry a heavier rate, I do not want to do that. I am advocating a removal of the duty entirely because this is purely a revenue duty and not a protective duty.

Mr. SMOOT. The only way to do that is to wait until the committee amendments are disposed of, and then, when the bill gets into the Senate, the Senator can move to strike out the item and put it on the free list.

Mr. TOWNSEND. I am perfectly willing to follow that course.

Mr. SMOOT. That is the course we have followed with reference to other items.

Mr. TOWNSEND. Very well. Then I withdraw the amendment at this time.

The VICE PRESIDENT. The amendment offered by the Senator from Michigan is withdrawn.

Mr. WALSH of Montana. Mr. President, I rose simply to say that the vote on this item should not be taken upon the assumption on the part of anyone that it was on the theory that there was no American product which came into competition with amorphous crystalline flakes. I understood the Senator from Michigan to say it is conceded that this article is not produced in this country, and therefore we need no protection. I do not want to combat the rate at all, but I do not want anyone to vote on the matter on the particular assumption that it is conceded or that it is the fact. I want it understood that the commodity as produced in this country is equal to any foreign product and it is as much entitled to protection, if we are to legislate upon that principle, as any other item in the bill. The rate which is proposed here is purely a revenue rate, because it affords no protection whatever of any kind.

Mr. GOODING. Mr. President, graphite is not the only item in this bill which, it is said, we can not produce in this country;

that proposition runs to many items, and there are those who believe we can not produce sugar successfully in this country. If there be a class of citizens in this country who I think are less American than any other class, it is those who go abroad and develop a foreign industry of any kind, and employ the cheapest labor they can find in all the world, and then want to bring that product back into America, free of duty, and sell it to the American people. Of course, the cheaper the labor the greater the profits. It is far better for them, of course, to develop foreign industries with cheap labor, so far as dollars and cents are concerned.

I want to say, in my judgment, we have just as good graphite in this country as there is any place in the world. I heard a witness say before the Finance Committee that we could not grow Belgian hare for fur because the fur grown in this country would not felt. The trouble was because he could buy it so much cheaper abroad, where labor costs practically nothing at all. It would be a mistaken policy, of course, so far as his selfish interests are concerned, to encourage the industry in this country. That policy runs all the way through in a great many different lines, if you please; the sugar we grow in this country is not quite so sweet, in the estimation of some people, as the sugar that is grown in Cuba, for instance, with the cheap native labor, and in many cases coolie labor sent to the island under contract from China.

I am very glad to see some of the Senators across the aisle voting for protection. I hope the time will come when there will be no division in this body on the great principle of protection, so that every American industry, so far as that is concerned, will be treated fairly, whether it is located in the East, in the West, in the North, or in the South. That is not true to-day. I know it never will be true until the people of the South come back where they stood 100 years ago and again stand for protection. In my judgment they are coming back. It may not be in my lifetime, but the time is coming when this great American people, the most intelligent people in all the world, are not going to permit any political party to make a football of the business interests of the country and kick them around as is being done at this time, and for practically 100 years past. I do not believe it is going to take another 100 years to settle that question. There is too much intelligence in the American people to permit that.

Speaking for myself, Mr. President, I want to say that I have no fault to find with the attitude of the Democratic Party in their opposition to the protective tariff measure that is now before the Senate. I believe it is the duty of every Senator and of every political party when they believe that a measure is unconstitutional and morally wrong to fight that measure to the last ditch. The Senator from Alabama [Mr. UNDERWOOD], the minority leader of the Democratic Party, whom I believe to be the greatest leader the Democratic Party has had in the Senate for more than half a century, has made it very clear that the Senators on that side, with three exceptions, are opposed to protection. The Senator from Alabama says he belongs to that school which believes that protection is unconstitutional, and he goes further and says that he believes protection is morally wrong.

As far as I am concerned, I am going to discuss this tariff bill, Mr. President, from the standpoint that protection is constitutional and morally right, and that it is un-American to force American industries and American labor to compete with the pauper labor of foreign countries.

The Senator from Alabama says protection is a tax on the American people. If it is, Mr. President, it is a tax that the American people will not do without and, in my judgment, can not do without.

The Democratic Party might as well understand first as last that the laboring men of this country will not be forced to compete with the cheap labor of Europe, which only means a reduction to their standards of living and their standards of wages.

We have already heard much about the breakfast table and the poor laboring man, but I want to say, Mr. President, that the party that votes to put the products of labor, whether it is on the farm, in the mills, or in the mine, in competition with the cheap labor of foreign countries is not the friend of labor, and the laboring men of this country are beginning to find that out. To close our ports to foreign immigration and at the same time open them to the products of foreign labor is nothing less than a crime, and one that would only work hardships and privations on the American people, the same as the free trade policy has always done when free trade laws have been in force in this country.

Every government, Mr. President, must levy a tax to defray expenses. The Republican Party believes that in levying a duty on foreign imports it should be levied first for protection, second for revenue, and every loyal citizen of every country should be willing to pay his share of taxes to maintain his government.

And here in America, Mr. President, we tax our citizens, and more especially our laboring men, less than any other country on earth. No one need shed any tears about the taxes the American laboring man has to pay on foreign imports, for they are far less than that paid by the laboring men of any other country.

I wish to read the taxes that are levied by various countries per capita on imports. In the United States in 1912 the receipts from customs were $311,321,672. The population at that time was 95,097,000. The per capita tax on imports was $3.20; in 1913 it was $3.30; in 1921 it is $2.76. It is estimated by the Finance Committee that the pending bill will raise a revenue for 1922 of $350,000,000, which will represent a per capita tax levied on imports of $3.31.

The United Kingdom levied a tax on imports in 1914 of $4.23 per capita; in 1922 of $14.78 per capita.

Canada in 1914 levied a per capita tax on imports of $14.57, and in 1922 of $11.90.

France levied a per capita tax on imports in 1913 of $3.61, and in 1921 of $8.69.

Germany in 1913 levied a per capita tax on imports of $13.02, and in 1922 a per capita tax of $16.89

Italy in 1913 levied a per capita tax on imports of $1.90, and in 1922 a per capita tax of $1.46.

Argentine in 1914 levied a per capita tax on imports of $10.76, and in 1920 of $7.83.

Brazil in 1913 levied a per capita tax on imports of $2.32, and in 1920 of $1.74.

Chile in 1913 levied a per capita tax on imports of $12.62, and in 1920 of $13.53.

Mr. President, I ask that the table from which I have quoted may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Per capita customs receipts from imports.

Country.	Year.	Receipts.	Population.	Per capita receipts.
United States	1912	$311,321,672	95,097,000	$3.20
Do	1913	318,891,393	96,512,000	3.30
Do	1921	292,397,349	105,710,620	2.76
McCumber bill	1922	350,000,000	105,710,620	3.31
United Kingdom	1914	172,839,003	40,830,000	4.23
Do	1922	632,052,720	42,767,530	14.78
Canada	1914	105,000,000	7,206,643	14.57
Do	1922	104,420,451	8,769,489	11.90
France	1913	143,018,211	39,601,509	3.61
Do	1921	360,880,770	41,500,000	8.69
Germany	1913	882,795,932	67,812,000	13.02
Do	1922	1,047,200,000	62,000,000	16.89
Italy	1913	67,121,347	35,236,997	1.90
Do	1921	54,198,638	37,270,493	1.46
Argentine	1914	84,447,105	7,849,385	10.76
Do	1920	70,526,398	9,000,000	7.83
Brazil	1913	57,481,940	24,300,000	2.32
Do	1920	53,915,400	31,000,000	1.74
Chile	1913	45,353,573	3,593,005	12.62
Do	1920	52,377,367	3,870,023	13.53

Fiscal year of United Kingdom, Canada, and Germany ends March 31.
All receipts converted into American money at par.
Receipts for Germany 1922 estimated.
Receipts for Italy 1921 estimated.
Data obtained for Bureau of Foreign and Domestic Commerce.

Mr. GOODING. I now desire to make a comparison of the duties which are levied in Canada on farm products and the duties which are proposed to be levied on such products under the bill as reported by the Finance Committee.

Under the tariff law of Canada the tax levied on live hogs is a cent and a half a pound, while under the bill as reported by the Finance Committee the tax is one-half cent a pound. On fresh meats in Canada the tax is 23 cents a pound, while it is from three-fourths of a cent to 5 cents a pound in the bill as reported by the Finance Committee.

On meats, canned, in Canada the tax is 7½ cents a pound; on lard and compounds it is 2 cents a pound in Canada and only 1 cent a pound under the bill as reported by the Finance Committee. On tallow there is a duty of 20 per cent ad valorem imposed in Canada, while the duty is only one-half cent a pound in the bill as reported by the Finance Committee.

On eggs in Canada there is a duty of 3 cents per dozen imposed, while the bill as reported by the Finance Committee imposes a duty of 8 cents per dozen. On cheese in Canada there is imposed a duty of 3 cents a pound, while a duty of 5 cents a

pound is imposed by the bill as reported by the Finance Committee. On butter a duty of 4 cents a pound is imposed in Canada, while 8 cents a pound is imposed by the bill as reported by the Finance Committee. On coffee the duty is 5 cents a pound in Canada, while it is on the free list in this country.

Coffee is an article that goes on the breakfast table, Mr. President, about which we have heard so much. I repeat, in Canada there is a duty of 5 cents a pound on coffee, while coffee is on the free list in this country under the pending bill.

On coffee, when not imported directly from country of growth, there is a duty per pound of 5 cents plus 10 per cent ad valorem under the Canadian law, while it is free in the bill reported by the committee.

On coffee, green, there is a duty of 3 cents a pound in Canada, while it is on the free list under the pending bill. Tea has a duty of 10 cents a pound in Canada, while it is free under the pending bill.

Rice, tapioca, and sago flour have a duty of 1 cent a pound in Canada, and only half a cent in the bill as reported by the Finance Committee.

Condensed milk has a duty of 3¾ cents per pound in Canada, while it only has a duty of 1 cent in the bill as reported by the Finance Committee.

Beans have a duty of 35 cents a bushel in Canada, while here there is a duty of $1.20 imposed in the bill as reported by the Finance Committee.

On peas there is a duty of 15 cents a bushel in Canada, and a duty of 56 cents under the pending bill. On buckwheat there is a duty in Canada of 15 cents, while there is a duty of 5 cents a bushel under the pending bill.

On buckwheat flour there is a duty of 50 cents per 100 pounds in Canada, and 50 cents per 100 pounds under the pending bill.

Corn meal has a duty of 25 cents a barrel in Canada, and 30 cents a hundred pounds under the bill as reported by the Finance Committee.

Oats has a duty of 10 cents a bushel imposed in Canada, and of 15 cents a bushel under the bill as reported by the Finance Committee.

Oatmeal has a duty of 60 cents per hundred imposed on it in Canada, while the rate is 90 cents a hundred in the bill as reported by the committee.

Rye has a duty of 10 cents a bushel imposed in Canada, while the duty is 15 cents a bushel in the bill as reported by the Finance Committee.

Rice, cleaned, has a duty of 75 cents a hundred imposed on it in Canada, while a duty of three-eighths of a cent a pound is imposed on it under the bill as reported by the committee.

Sago and tapioca have a duty of 27½ per cent in Canada, while on tapioca there is a duty of one-half cent a pound imposed under the bill as reported by the committee.

On hay and straw there is a duty of $2 per ton imposed in Canada, while on hay a duty of $4 a ton and on straw a duty of $3.50 a ton are imposed under the bill as reported by the Finance Committee.

Flaxseed has a duty of 10 cents a bushel imposed on it Canada, and a duty of 40 cents a bushel imposed under the bill as reported by the committee.

So, taking the greater necessities of life, there is no question, so far as the breakfast table and the dinner table and the supper table are concerned, that the Canadian citizen pays twice the tax that the American citizen pays.

The duty on farm machinery is from 15 to 20 per cent in Canada, while it is free under the bill as reported by the Finance Committee. The duty on typewriters is 25 per cent ad valorem in Canada, while they are free in America. The duty on sewing machines is 30 per cent in Canada, while it is from 25 to 40 per cent ad valorem in this country. Woolen yarns have a duty of 30 per cent ad valorem in Canada and from 30 to 40 per cent ad valorem in this country under the bill as reported by the Finance Committee. Woolen blankets have a duty of 35 per cent ad valorem in Canada and from 30 to 40 per cent ad valorem under the bill as reported by the Finance Committee.

Boots and shoes have a duty of 30 per cent ad valorem in Canada and an ad valorem duty of not over 10 cents under the pending bill. Harness and saddles have a duty of 30 per cent in Canada, while they have a duty of 35 per cent under the bill as reported by the committee.

Mr. President, I ask that this table which I am quoting may be published in the RECORD entire.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The table referred to is as follows:

Tariff of the Dominion of Canada.

Commodity.	Unit.	Canadian tariff.	Finance Committee.
Live hogs	Pound	1½ cents	¾ cent.
Meats, fresh	do	3 cents	¾ to 5 cents.
Meats, canned	do	7½ per cent	
Lard and compounds	do	2 cents	1 cent per pound.
Tallow	do	20 per cent	½ cent.
Eggs	Dozen	3 cents	8 cents.
Cheese	Pound	do	5 cents (over 5 cents value 25 per cent).
Butter	do	4 cents	8 cents per pound.
Coffee	do	5 cents	Free.
Coffee, when not imported directly from country of growth.	do	5 cents plus 10 per cent.	Do.
Coffee, green	do	3 cents	Do.
Tea	do	10 cents	Do.
Rice, tapioca, and sago flour.	Pound	1 cent	½ cent per pound.
Milk, condensed	do	3¾ cents	1 cent per pound.
Beans	Bushel	35 cents	$1.20.
Peas	do	15 cents	56 cents.
Buckwheat	do	do	5 cents.
Buckwheat flour	Hundredweight	50 cents	50 cents.
Corn meal	Barrel	25 cents	30 cents per hundredweight.
Oats	Bushel	10 cents	15 cents.
Oatmeal	Hundredweight	60 cents	90 cents.
Rye	Bushel	10 cents	15 cents.
Rice, cleaned	Hundredweight	75 cents	⅜ cent per pound.
Sago and tapioca		27½ per cent	Tapioca, ½ cent per pound.
Hay and straw	Ton	$2	Hay, $4; straw, $3.50.
Flaxseed	Bushel	10 cents	40 cents.
Grass seed	Pound	10 per cent	1 cent to 4 cents.
Vegetables, n. o. p.	do	30 per cent	30 per cent.
Onions	do	do	1 cent.
Apples	Barrel	90 cents	75 cents.
Dates and figs	Hundredweight	55 cents	Dates, 1 cent; figs, 2 cents.
Honey	Pound	3 cents	3 cents.
Nuts, all kinds, including peanuts.	do	2 cents	1 cent to 4 cents.
Copra	do	¾ cent	Free.
Nuts, shelled	do	4 cents	1 cent to 15 cents.
Salmon, fresh	do	1 cent	2 cents.
Salmon, prepared	do	30 per cent	25 per cent.
Sugar	do	2 cents	$1.60.
Cigars and cigarettes	do	$4.10 plus 25 per cent.	$4.50 plus 25 per cent.
Sewing machines		30 per cent	25 per cent to 40 per cent.
Typewriters		25 per cent	Free.
Machinery, farm		15 per cent to 20 per cent.	Do.
Woolen yarn, n. o. p.		30 per cent	26 cents plus 30 per cent to 39 cents plus 40 per cent.
Woolen blankets	do	35 per cent	20 cents plus 30 per cent to 40 cents plus 40 per cent.
Boots and shoes, harness and saddles.		30 per cent	Boots and shoes, 12 cents pair plus 5 per cent; harness and saddles, 35 per cent.

In addition to the general tariff the Canadian law provides for a British preferential and an intermediate tariff. The intermediate tariff applies to any country to which its benefits may be extended by orders in council.

Mr. GOODING. I have here a table showing the duties imposed by the tariff law of the United Kingdom.

On coffee there is a duty of $9.78 a hundred, while it is free under the pending bill as reported. On tea under the British tariff law a duty of 24 cents a pound is levied, while under the pending bill it is on the free list. Tea and coffee are luxuries in England; they are necessities in the United States.

On sugar there is a duty levied of $6.16 a hundred pounds in Great Britain, as against $1.60 a hundred under the bill as reported.

In England more revenue is collected from duties on coffee and tea and sugar and coconut and cocoa than we collect in America on all the farm products that go upon the breakfast table.

On condensed milk, sweetened, the duty in England is $2.80 per 100 pounds, while under the bill as reported by the Finance Committee the rate is $1.50. On cocoa the rate in England per 100 pounds is $9.78, while under the bill as reported by the committee it is free. On currants, per 100 pounds, the English duty is 48 cents; under the bill as reported by the committee it is $2.50. On figs and raisins the English duty per 100 pounds is $2.52, and under the bill reported by the Finance Committee $2. On prunes the rate of the British tariff per 100 pounds is $2.52, and under the bill reported by the Finance Committee

50 cents. When it comes to cider there is not very much difference in the respective duties, the English duty being 8 cents a gallon and the proposed duty under the pending bill 10 cents a gallon. Under the English tariff the duty on gasoline is 12 cents a gallon, while under the pending bill it is free. On motor cars and motor cycles the British duty is 33⅓ per cent, while under the pending bill as reported by the Finance Committee it is 25 per cent. On chicory the British duty per 100 pounds is $9.37, while under the pending bill reported by the Finance Committee it is $1.50.

So the figures run, Mr. President, all along the line. England placed a duty during 1921 on opera glasses of 35 per cent ad valorem; on laboratory porcelain, of 35 per cent ad valorem; on scientific instruments, of 40 per cent ad valorem. A great many articles have been put on the dutiable list in England. I ask that the entire table may be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Tariff of the United Kingdom.

Article.	Unit.	Full duty.	Finance Committee rate.
Coffee	100 pounds	$9.78	Free.
Tea	1 pound	.24	Free.
Coconut, sugared	100 pounds	2.80	$4.50
Sugar	do	6.16	1.60
Condensed milk, sweetened.	do	2.80	1.50
Cocoa	do	9.78	Free.
Currants	do	.48	2.50
Figs and raisins	do	2.52	2.00
Prunes	do	2.52	.50
Cider	Gallon	.08	.10
Glucose, solid	do	3.90	1.50
Glucose, liquid	do	2.80	1.50
Motor spirit (gasoline)	Gallon	.12	Free.
Motor cars and motor cycles.		33⅓ per cent.	Cars, 25 per cent; cycles, 30 per cent.
Chicory	100 pounds	$9.37	$1.50
Chloral hydrate	1 pound	.42	25 per cent.
Chloroform	do	1.04	$0.08
Watches		33⅓ per cent.	75 cents to $10.75.
Clocks		33⅓ per cent.	35 per cent plus $1 to $3.
Collodion	1 gallon	$8.23	$2.80
Soap, transparent	1 pound	.06	30 per cent.
Musical instruments		33⅓ per cent.	35 per cent.

The average paid carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in England is $3.08 per day.

TARIFF OF THE UNITED KINGDOM.

(Page 2.)

[NOTE.—During 1921 the number of articles to which the tariff of the United Kingdom applies has been greatly extended by the passing of the safeguarding of industries act, 1921. By this act articles coming under the following headings are chargeable with duty to the extent of 33⅓ per cent ad valorem.]

The British rate is 33⅓ per cent. Finance Committee rates are as follows:

	Per cent.
Optical glass	35
Optical instruments	35
Scientific glassware	35
Laboratory porcelain	35
Scientific instruments	40
Gauges and measuring instruments	40
Compounds of thorium, cerium, and other rare earth metals	25
Synthetic organic chemicals	
Lamp, blown ware	
Wireless valves and similar rectifiers	
Ignition magnetos and permanent magnets	25
Arc-lamp carbons	35
Hosiery latch needles, $2 per thousand, plus	35
Metallic tungsten	45

Mr. GOODING. Mr. President, I have before me also a table showing the tariff rates under the French law. I wish to say that the duties under the tariff laws of all the countries to which I have referred or shall refer are collected on the gold basis. Under the French tariff law the duty on steers, bullocks, and heifers, per 100 pounds live weight, is $2.63; on rams, ewes, and wethers, per 100 pounds, live weight, $3.50; on mutton, fresh or preserved, per 100 pounds, $4.38; on pork, per 100 pounds, $3.50; on eggs, per 100 pounds, 88 cents; on cheese, hard, Dutch or Swiss, per 100 pounds, $3.06; on butter, per 100 pounds, $2.63; on wheat, 74 cents a bushel; on oats, 17 cents a bushel; on barley, 26 cents a bushel; on rye, 30 cents a bushel; on rice, whole and grits, per 100 pounds, $2.10; on apples and pears, per 100 pounds, $1.31; on raisins and dates, per 100 pounds, $6.57; on soya beans, per 100 pounds, 22 cents; on refined sugar, per 100 pounds, $2.72. Under the French tariff law coffee per 100 pounds is taxed $26.26. That is how much of a free breakfast table there is in France. On chocolate the French duty is also $26.26 per 100 pounds; and on tea, per 100 pounds, $35.02, and that, of course, includes breakfast tea.

Tobacco, cigars, and cigarettes, $656.56 a hundred pounds.
Linseed oil, 53 cents a hundred pounds.
Oil, soya bean, and corn for soap, 79 cents a hundred pounds.
Edible fats, $3.06 a hundred.
Cotton, washed, 66 cents a hundred.
Hemp, combed, $1.31 a hundred.
Vegetables, fresh, $1.75 a hundred.
Vegetables, dried, $1.63 a hundred.
Iron or steel billets, bars, 66 cents a hundred.
Fine steel for tools, $1.97 a hundred.
Iron or steel rods, 66 cents a hundred.
Cotton yarn, $4.03 a hundred.
Cotton yarn for carpets or rugs, $13.83 a hundred.
Silk thread, unbleached, $35.02 a hundred.
Table linen, $21.71 a hundred.
Knit gloves, $78.79 a hundred.
Hides and skins, tanned, $1.31 a hundred.

I shall not take the time to read all this list, Mr. President, but I ask that it be printed in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

French tariff, based on the act 1910, revised to December, 1921.

[Duty computed at par, American money. Franc equals 19.3 cents.]

Article.	Unit.	General rate.
Steers, bullocks, heifers	100 pounds live weight.	$2.63
Rams, ewes, wethers	do	3.50
Mutton, fresh or preserved	100 pounds	4.38
Pork	do	3.50
Eggs	do	.88
Cheese, hard (Dutch or Swiss)	do	3.06
Butter	do	2.63
Wheat	Bushel	.74
Oats	do	.17
Barley	do	.26
Rye	do	.30
Corn	do	.30
Semolina	100 pounds	3.33
Rice, whole and grits	do	2.10
Potatoes, March and June	Bushel	.32
Potatoes, any other time	do	.16
Apples and pears	100 pounds	1.31
Raisins and dates	do	6.57
Soya beans	do	.22
Sugar, refined	do	2.72
Coffee	do	26.26
Chocolate	do	26.26
Tea	do	35.02
Tobacco, cigars, and cigarettes	do	656.56
Olive oil	do	.88
Linseed oil	do	.53
Oil, soy bean, and corn for soap	do	.79
Edible fats, vegetable	do	3.06
Cotton, washed, cleaned, bleached	do	.66
Hemp, combed	do	1.31
Vegetables, fresh	do	1.75
Vegetables, dried	do	1.63
Brick, common	do	.021
Brick, hollow	do	.052
Milk, floss, combed	do	.88
Iron or steel, billets, bars	do	.66
Fine steel for tools	do	1.97
Iron or steel rods	do	.66
Cotton yarn, single, unbleached	do	4.03
Cotton for carpets, rugs, etc	do	13.83
Silk thread, unbleached	do	35.02
Table linen, damasked, unbleached	do	21.71
Fabrics of pure cotton	do	.81
Fabrics of pure wool	do	20.14
Knit goods, gloves	do	78.79
Hides and skins, tanned	do	1.31
Gloves, fur	Dozen pairs	1.54
Watches, gold cases	Each	8.68
Clocks, table and wall	100 pounds	17.51
Agricultural machines	do	1.31
Typewriters	do	26.26
Cutlery, fine table knives	do	78.79
Firearms	do	78.79
Pianos	do	28.95
Phonographs	do	7.88
Automobiles	do	9.88
Hats, wool	do	.17
Games, toys, sporting goods	do	7.88
Photographic apparatus, cameras, etc	do	65.66

NOTE.—A lower tariff than the above, called the minimum tariff, is applicable to articles imported from certain countries with which special arrangements have been made. Articles from all other countries are subject to the general rate.

The average wage paid carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in France is $1.46.

Mr. GOODING. I may say that with this per capita tax in France of $8.69, the carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in that country are working on the average for $1.46 a day, while in America these same trades are being paid on an average $7.17 a day. So it seems to me that our friends across the aisle should not shed any tears

about the American workingman being highly taxed when we compare his wages with those that are paid in France or England or any other country, where they pay four times the tax on the breakfast table that we do in America.

Here are the figures for Italy:

Cattle, per head, $3.84 to $15.36.
Sheep, 87 cents a head.
Swine, $1.15 to $3.84 a head.
Poultry, $1.35 per hundred pounds.
Poultry, dressed, $1.35 per hundred pounds.
Meats, fresh, $1.55 per hundred pounds.
Meats, frozen, $1.35 per hundred pounds.
Ham, $4.42 per hundred pounds.
Milk, condensed, unsweetened, $1.74 per hundred pounds.
Milk, powdered, $3.48 per hundred pounds.
Milk, condensed, sweetened, $3.26 per hundred pounds.
Milk, sugar, $3.26 per hundred pounds.
Cheese, $2.12 per hundred pounds.
Sugar, $3.07 per hundred pounds.
Coffee, $13.44 per hundred pounds.
Coffee, roasted, $17.86 per hundred pounds.
Honey, $2.69 per hundred pounds.
Chocolate, $10.56 per hundred pounds.
Tea, $34.97 per hundred pounds. Tea is free under the Finance Committee bill.
Wheat, 40 cents a bushel.
Corn, 37 cents a bushel.
Rye, 23 cents a bushel.
Barley, 18 cents a bushel.
Rice, 44 cents a hundred pounds.
Wheat flour, $1 a hundred pounds.
Cottonseed oil, $4.37 a hundred pounds.
Linseed oil, $2.10 a hundred pounds.
Lard, $1.30 a hundred pounds.
Bacon, $2.20 a hundred pounds.
Hides, tanned, $10.50 a hundred pounds.
Harness, $13 a hundred pounds.
Saddles, $1.50 each.

The average wage paid for carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in Italy is 79 cents a day, yet practically everything that goes on the breakfast table in Italy is taxed.

I ask to have this table printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Tariff of Italy.

[Monetary unit 1 lira. 1 lira equals 100 centesimi or $0.192.]

Article.	Unit.	Duty.
Horses	Head	$28.80–$40.32
Mules	do	6.72
Cattle	do	3.84–15.36
Sheep	do	.87
Swine	do	1.15–3.84
Poultry	100 pounds	1.35
Poultry, dressed	do	1.35
Meats, fresh	do	1.55
Meats, frozen	do	1.35
Ham	do	4.42
Milk, condensed, unsweetened	do	1.74
Milk, powdered	do	3.48
Milk, condensed, sweetened	do	3.26
Milk, sugar	do	3.26
Butter, fresh	do	1.74
Butter, salted	do	1.39
Cheese, hard	do	2.12
Casein	do	.86
Sugar	do	3.07
Coffee	do	13.44
Coffee, roasted	do	17.86
Honey	do	2.69
Cocoa beans	do	2.69
Chocolate	do	10.56
Tea	do	34.97
Wheat	Bushel	.40
Corn	do	.37
Rye	do	.23
Barley	do	.18
Rice, paddy	100 pounds	.44
Rice, cleaned	do	.90
Wheat flour	do	1.00
Semolina	do	1.35
Cottonseed oil	do	4.37
Linseed oil	do	2.10
Castor oil	do	.90
Lard	do	1.30
Bacon	do	2.20
Hides and skins, tanned	do	10.50
Harness	do	13.00
Saddles	Each	1.50
Straw hats	do	.22

NOTE.—The average wage paid for carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in Italy is 79 cents per day.

Mr. GOODING. Here is a tariff table for the Argentine:

Clothing, ready-made, 50 per cent ad valorem.
Harness, 50 per cent ad valorem.
Boots and shoes, 50 per cent ad valorem.
Furniture, 50 per cent ad valorem.
Stockings, 45 per cent ad valorem.
Hides and skins, 40 per cent ad valorem.
Blankets, wool, 40 per cent ad valorem.
Linseed oil, 4½ cents a pound.
Vegetable oils, 4½ cents a pound.
Coconut oil, 2 cents a pound.
Butter, 4½ cents a pound.
Milk, condensed, 3 cents a pound.
Ham, 11 cents a pound.
Eggs, 1 cent a pound.
Figs, 2 cents a pound.
Macaroni, 3 cents a pound.
Canned meats, 14 cents a pound.
Dates, 4½ cents a pound.
Meats, preserved, 9 cents a pound.
Prunes, 3½ cents a pound.
Coffee, 1.4 cents a pound.
Barley, 1 cent a pound, or 56 cents a bushel.
Lard, 4 cents a pound.
Apples, dried, 2½ cents a pound.
Honey, 1½ cents a pound.
Walnuts, 1½ cents a pound.
Raisins, 7 cents a pound.
Currants, 7 cents a pound.
Cheese, 9 cents a pound.
Tea, 4½ cents a pound.
Bacon, 9 cents a pound.

I ask to have this table printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Tariff of Argentina.

[Monetary unit gold peso. One peso equals 100 centaves=$0.952.]

Article.	Unit.	Duty.
Harness		50 per cent.
Clothing, ready-made		50 per cent.
Boots and shoes		50 per cent.
Furniture		50 per cent.
Stockings		45 per cent.
Hides and skins		40 per cent.
Blankets, wool		40 per cent.
Linseed oil	Pound	$0.045
Vegetable oils	do	.045
Coconut oil	do	.02
Butter	do	.045
Milk, condensed	do	.032
Ham	do	.11
Eggs	do	.01
Figs	do	.02333
Beans, dry	do	.005
Macaroni	do	.03
Meats, canned	do	.14
Dates	do	.045
Meats, preserved	do	.09
Prunes	do	.035
Sugar	do	.027
Coffee	do	.014
Rye	do	.005
Barley	do	.01
Oats	do	.007
Lard	do	.04
Apples, dried	do	.0233
Honey	do	.0133
Walnuts	do	.0133
Raisins	do	.07
Currants	do	.07
Cheese	do	.09
Tea	do	.045
Bacon	do	.09

Mr. GOODING. The tariff in Chile is as follows:

Cattle, $3.60 to $5.76 a head.
Sheep, 72 cents a head.
Horses, $3.60 a head.
Swine, $1.80 a head.
Meats, fresh, 3.2 cents a pound.
Bacon and ham, 9 cents a pound.
Milk, condensed, 7 cents a pound.
Butter, 10 cents a pound.
Lard, 4 cents a pound.
Cheese, 10 cents a pound.
Boots and shoes, 1 cent a pair.
Everything is by the pound in Chile.
Corn, one-half cent a pound.
Rye, 1 cent a pound.
Oats, 1½ cents a pound.
Rice, seven-tenths of a cent a pound.
Coffee, 1½ cents a pound.
Tea, 10 cents a pound.

I ask to have this table printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Tariff of Chile.

[Monetary unit, gold peso; par value, 36 cents.]

Article.	Unit.	Duty.
Cattle	Head	$3.60–$5.76
Sheep	do	.72
Horses	do	3.60
Swine	do	1.80
Meats, fresh	Pound	.032
Bacon and ham	do	.09
Milk, fresh	do	.0133
Milk, condensed	do	.07

Tariff of Chile—Continued.

Article.	Unit.	Duty.
Butter	Pound	$0.10
Lard	do	.04
Honey	do	.015
Cheese	do	.10
Boots and shoes	Pair	.01
Corn	Pound	.005
Rye	do	.01
Oats	do	.015
Rice	do	.007
Coffee	do	.015
Tea	do	.10

NOTE.—Chilean exchange was quoted at 12 cents, December, 1921.

Mr. GOODING. The tariff rates in Germany are as follows:

Corn, 28 cents a bushel.
Wheat, 36 cents a bushel.
Oats, 16 cents a bushel.
Rice, 50 cents per 100 pounds.
Rye, 50 cents per 100 pounds.
Barley, 40 cents per 100 pounds.
Beans, 20 cents per 100 pounds.
Cocoa, $7 per 100 pounds.
Chocolate, $5.40 per 100 pounds.
Sheep, $1.90 each.
Swine, 98 cents per 100 pounds.
Poultry, 40 cents per 100 pounds.
Fresh meats, $2.90 per 100 pounds.
Meats, frozen, $3.80 per 100 pounds.
Bacon, $3.90 per 100 pounds.
Poultry, dressed, $1.50 per 100 pounds.
Sausage, $4.40 per 100 pounds.
Butter, $2.20 per 100 pounds.
Honey, $4.40 per 100 pounds.
Linseed oil, $1.30 per 100 pounds.
Cottonseed oil, $1.40 per 100 pounds.
Milk, condensed, sweetened, $2.70 per 100 pounds.
Boots and shoes, $3.20 per 100 pounds.
Sugar, from $2 to $4.

I ask permission to have this table printed in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

German tariff.

Article.	Unit.	Rate of duty.
Corn	Bushel	$0.28
Wheat	do	.36
Oats	do	.16
Rice	100 pounds	.50
Rye	do	.50
Barley	do	.40
Beans	do	.20
Cocoa	do	7.00
Chocolate	do	5.40
Whites of egg and yolk	do	6.50
Sheep	Each	1.90
Swine	100 pounds	.98
Poultry	do	.40
Meat (fresh or killed)	do	2.90
Meats (frozen)	do	3.80
Bacon	do	3.90
Poultry (dressed)	do	1.50
Sausage	do	4.40
Eggs	do	.20
Butter	do	2.20
Honey	do	4.40
Linseed oil	do	1.30
Cottonseed oil	do	1.40
Milk (condensed)	do	.50
Milk (condensed sweetened)	do	2.70
Boots and shoes	do	3.20
Sugar	do	2.00–4.00

NOTE.—Monetary unit 1 mark; par value, 23.8 cents; current value, one-third cent. All duties are based on a metric system of weights, 100 kilograms being taken as the unit; 100 kilograms equal 220 pounds.

The average wage paid for carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in Germany is $0.71 per day.

Mr. GOODING. So I submit, Mr. President, that there is not a country on earth that does not tax the breakfast table at a higher rate than we do here in America. We are nearer a free-trade country to-day, as far as the breakfast table is concerned, than any other country on earth, and these tariff rates in foreign countries prove that beyond a question of a doubt.

The Republican Party levies a protective tariff on those articles that we produce in this country and those that we can develop and those that give employment to American labor. It never has been the policy of the Republican Party to levy a duty on tea or coffee, because we can not produce them, nor on any other things that we do not produce, as far as that is concerned, unless they displace something that we do produce. I am not alarmed about our not being able to buy from foreign countries if we do not open up our ports. Our ports are wide open to-day to every country, as compared to their ports, with the revenue that they collect on imports from America, especially on farm products.

We bought last year $790,257,384 worth of imported products that we do not produce in America, so that there is not any danger that we will not be able to buy abroad. Let me read you a few of these articles.

Chemicals and drugs that we do not produce in this country—and I will read only the first figure—$36,000,000:

Cocoa, $23,000,000.
Coffee, $142,000,000.
Fibers, $18,000,000.
Unbleached burlap, $41,000,000.
Fruits that we do not produce, $29,000,000.
Nuts that we do not produce, $12,000,000.
Skins from animals, $25,000,000.
India rubber, $75,000,000.
Metals and minerals, $34,000,000.
Vegetable oils, $20,000,000.
Precious stones, $36,000,000.
Silks, and manufactures of silks, $259,000,000.
Tea, $14,000,000.

I ask to have this table printed as part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Imports of commodities not produced in United States for 1921.

Farinaceous substances	$1,771,946
Chemical—drugs, etc	36,263,618
Cocoa	23,124,741
Coffee	142,808,719
Cork wood and bark	959,947
Logwood	636,932
Fertilizers	2,335,982
Fibers	18,872,081
Unbleached burlap	41,279,072
Fruits	29,339,458
Nuts	12,674,019
Hair, human	9,132,723
Skins, animal	25,523,743
India rubber, etc	75,562,938
Ivory	473,721
Meerschaum	9,712
Metals and minerals	24,725,000
Vegetable oils	20,744,659
Platinum	916,235
Precious and semiprecious stones	36,891,752
Castor beans	906,857
Mother-of-pearl shells	974,988
Silk and manufactures of	259,601,253
Spices	4,769,138
Flint, unground	116,157
Tanning materials	227,765
Tea	14,233,791
Wax	1,671,932
Briar root and wood	135,727
Rattan and reeds	1,074,528
Total	790,257,384

Mr. GOODING. I also ask to have printed as part of my remarks a table showing the average daily wage of carpenters, plasterers, painters, bricklayers, machinists, and shoemakers in the countries of Germany, Italy, Japan, France, England, and the United States.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Average daily wage.

	Germany.	Italy.	Japan.	France.	England.	United States.
Carpenters	$0.73	$0.90	$1.30	$1.38	$3.38	$6.62
Plasterers	.72	.76	1.53	1.56	3.38	8.47
Painters	.72	.80	1.53	1.71	3.08	6.80
Bricklayers	.75	.76	1.53	1.56	3.38	8.7
Machinists	.72	.82	1.50	1.38	2.90	6.40
Shoemakers	.64	.72	1.23	1.20	2.40	6.00
Average	.71	.79	1.43	1.46	.08	7.17

Mr. FLETCHER. Mr. President, referring to this particular item, the Senator from Montana is correct and the Senator from Michigan is wrong regarding the question as to whether it is produced in this country. In the Summary of the Tariff Information, page 188, the statement is as follows:

Amorphous graphite is so widely distributed that no serious difficulty is likely to be encountered by any of the great commercial nations in filling their vital needs. The most important deposits of crystalline graphite are controlled by Great Britain through her sovereignty over Ceylon and by France through sovereignty over Madagascar.

Then, further, it says:

The United States has heretofore not been considered independent in the matter of crucible graphite. Crucible makers, who use about 15,000 tons a year, have insisted on having Ceylon graphite. Montana produces a graphite that has been accepted by crucible manufacturers as equal to Ceylon material. The quantity ultimately available has not been proved, but may be sufficient to satisfy domestic demands for many years.

Then another statement appears; and this is not questioned, so far as I know:

There is a larger degree of independence in the matter of amorphous graphite, of which the consumption is in the neighborhood of 15,000 tons annually. Practically all of this can be furnished from domestic sources, including both natural and artificial graphite, but during the war American-owned mines in Mexico and Canada were drawn upon to some extent, and more recently Korean graphite has again been imported.

So there is no question but that all this material can be produced and is being produced in this country, and the domestic supply is ordinarily sufficient for our demands.

I think the duty proposed by the committee may yield revenue, and it may be strictly termed a revenue duty. Beyond that, we get into the field of protection, and I would not feel justified in increasing the duty provided by the committee, and I would only vote for it on the idea that it would be found to be a duty which would yield a revenue, and would not tend to encourage the formation of a combination or a trust, or impose such restrictions on importations as would cause a great increase in the prices here.

Upon the basis of its being a revenue duty, it would be justified. Otherwise, both graphite and plumbago ought to be on the free list.

POLICY OF RECLAMATION.

Mr. McNARY. Mr. President, in yesterday morning's Washington Post, under the column headed "Chats with Visitors," appeared a very interesting interview with Governor Campbell, of Arizona. I ask that it may be read by the Secretary.

Mr. JONES of Washington. Why not have it printed in the RECORD without reading?

Mr. McNARY. The article is brief, and I prefer that it be read. It is about a matter which will be interesting to the Senator from Washington.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read as follows:

"The people of the West are becoming very anxious for congressional action on land-reclamation projects which are now pending," declared Gov. Thomas E. Campbell, of Arizona, at the Willard. Mr. Campbell is now serving his third term as Republican governor of a State that is normally Democratic. He has been one of the leaders of the Western States Reclamation Association, which has united 13 western States in a campaign in support of pending reclamation legislation.

"There has been considerable talk about the West being the battle ground of the coming election, particularly with reference to the control of the House and the Senate," Governor Campbell said. "I believe this is a fact, and there is not much time between now and November for the people of our country to forget. We have been promised a broad national policy of reclamation. The Republican Party in its platform stands pledged. President Harding has emphatically declared himself in favor of the McNary-Smith bill. The committees of both Houses of Congress have recommended this bill by unanimous votes. To-day it is on the calendars of both House and Senate.

"Yet it appears that a narrow viewpoint of a few House leaders is endangering its passage through inactivity and procrastination. We may live a long way from Washington, but we are familiar with the political tactics of letting a meritorious measure die on the calendar. The West to-day is watching the national administration with just as keen an interest as the leaders are watching the West."

Mr. ASHURST. Mr. President, the Governor of the State of Arizona, Mr. Campbell, is not only a gentleman of excellent judgment but accurate expression. The supporters of the Smith-McNary reclamation bill are beginning to be seriously disturbed over the situation respecting that bill. This ought not to be a political question. It is an economic, a business, question, and citizens of the West, of the South, and of the East have perceived the importance of this legislation. Only four days since a group of certain Republican editors of the Press Association of the State of Washington manfully served notice on the Republican Party that unless this Congress enacted the Smith-McNary reclamation bill they would no longer consider themselves bound to support the Republican Party. I read from the CONGRESSIONAL RECORD (p. 7434 of the proceedings of Tuesday, May 23). The telegram was inserted in the RECORD by the distinguished senior Senator from Washington [Mr. JONES] and is as follows:

YAKIMA, WASH., *May 20, 1922.*

WESLEY L. JONES, *Washington, D. C.:*

Following a meeting here to-day of the Yakima-Benton-Kittitas group of the Washington State Press Association, Republican members of the group adopted the following resolution:

"Whereas the Republican Party in the last national campaign gave to the voters of the Nation its pledge to put into operation a speeded-up and enlarged program of reclamation; and

"Whereas the McNary-Smith bill, now pending in Congress, was framed as a fulfillment of that pledge and as such has received the official sanction of the administration; and

"Whereas said McNary-Smith bill has been unanimously recommended for passage by committees in both Houses of Congress; and

"Whereas enactment of said McNary-Smith bill will stimulate business and industry, relieve unemployment, contribute materially to the Nation's wealth, and inure to the special benefit of the returned soldiery without prejudice or preference to any project, section, or district of the unreclaimed areas of the Nation: Now therefore be it

"Resolved by the following Republican newspaper publishers of the State of Washington, That failure of the Republican majority in Congress to pass the said McNary-Smith bill at the present session will be regarded by us as an inexcusable breach of faith on the part of the national Republican Party, and we hereby declare that we no longer consider ourselves, either by reason of our past affiliations or the party's future promises, bound to continue our support of the national Republican Party."

Republican newspapers represented at to-day's meeting were Ellensburg Record, Sunnyside Sun, Grandview Herald, Wapato Independent, Toppenish Review, Toppenish Tribune, Kennewick Courier-Reporter, Zillah Mirror, Richland Advocate, Prosser Record-Bulletin.

I am of opinion that this dispatch which the Senator from Washington [Mr. JONES] caused to be inserted in the RECORD expresses the view of a vast majority of the American people, irrespective of party. I have spoken in season, and some say out of season, here in the Senate pointing out the necessity for the early enactment of this Smith-McNary reclamation bill, and I have said to Republicans here and elsewhere that it was their duty to pass this bill and that they can make no greater contribution to the happiness and the prosperity of the people of this country than to pass the Smith-McNary reclamation bill.

The distinguished chairman of the Committee on Irrigation and Reclamation, the senior Senator from Oregon [Mr. McNARY] has labored for this legislation with a zeal and a diligence unsurpassed during my time here.

The Senator from Oregon [Mr. McNARY] knows, and he has impressed the committee with the idea, that if the landless returned soldier is to obtain a tract of land and is to become a farmer the eligible means to that end is to be found through the passage of this Smith-McNary reclamation bill. Through the efforts of the senior Senator from Oregon and through the efforts of the Senator from Nebraska [Mr. NORRIS] the title or name of the old Committee on Irrigation and Reclamation of Arid Lands has had stricken from it the words "of arid lands," so that now I say to you from the South if the Mississippi River overflows its banks the Smith-McNary reclamation bill, when it becomes a law, will afford an opportunity for you to stay the devastating floods and reclaim the lands. In the true philosophy of government we have as much right to reclaim swamp lands as we have to irrigate arid lands, and I am in favor of doing both, *both* for the benefit of the people. A government is a harness with which to draw civilization's load.

The moment a citizen becomes a landowner he becomes a stockholder in the Republic, and no government can with safety ignore the question of affording to industrious persons an opportunity to acquire a home. Reclamation of lands is practical, yet ideal; it is one of the noblest tasks our Nation could perform.

We of to-day are the tragic generation. Vast unrest everywhere, much unemployment distresses the people, and no grander or more utilitarian work could be done than to reclaim, for the benefit of the people, our now idle, unutilized lands. Hear me while I read from the report on the Smith-McNary reclamation bill, as written by the Senator from Oregon, wherein he quoted from a great Babylonian monarch:

I have made the canal of Hammurabi a blessing for the people of Shumir and Accad. I have distributed the waters by branch canals over the desert plains. I have made water flow in the dry channels and have given an unfailing supply to the people. I have changed desert plains into well-watered lands. I have given them fertility and plenty, and made them the abode of happiness.

I am glad that the suggestions urging action on this bill have come from the other side, as this relieves the discussion of any partisan charge. I saw the dispatch yesterday which the Senator from Washington placed into the RECORD, but I felt a hesitancy about discussing it here, because those gentlemen were Republican editors; but the Senator from Washington, in placing that statement into the RECORD, again proved himself to be what we all know him to be, a fair man, who labors earnestly for things not only for the good of his party but for the good of his country.

If this Congress should fail to pass the Smith-McNary reclamation bill a roar of fury, anger, and resentment would rise from every camp, every home, every hamlet and city in the West. The Republican Party is bound, as far as faith and promises can bind men, to pass this bill. The proper committee of the House and the proper committee of the Senate have recommended it. The bill asks for no gift, no bounty, no largesse from the Federal Treasury, but it provides that an appropriate sum of money—$350,000,000—shall be transferred to the national reclamation fund and that the Secretary of the Interior may from time to time designate lands eligible for reclamation in Mississippi, Montana, Maine, Michigan, Alabama, Arizona, Utah, Arkansas, or in any other State, and that such approved projects shall be built. The money will all be repaid to the United States, hence this is not an appropriation.

Will any statesman arise and declare that he has a better solution of the reclamation question? Will anyone here ad-

vance a better idea than is in this bill? Unless he can do so, it is his duty to support the Smith-McNary reclamation bill. Unless some Senator comes forward with a better plan for reclaiming the Everglades of Florida, the overflowed lands of the South, the stump lands of the Northwest and East, and the arid lands of the West—unless he can point out a better or more eligible plan than is provided in the Smith-McNary bill he is in duty bound, in my judgment, to vote for this bill.

Just as soon as this bill is passed the Secretary of the Interior would set to work the various agencies of his department investigating and approving projects. Here and there and everywhere engineers would be examining to ascertain where projects may be built.

I measure my words when I say that no Congress ever has and that no Congress ever will consider a bill of more importance than the Smith-McNary reclamation bill. Without any offensiveness intended, I speak for others as well as myself, not only on this side but for a few gentlemen on the other side of the aisle, and say we serve notice now that, if we can prevent it, this Congress will not be permitted to adjourn until the Smith-McNary bill is a law.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ASHURST. I yield with pleasure.

Mr. LENROOT. I should like to ask the Senator whether he thinks the country needs an increased production of agricultural products to-day?

Mr. ASHURST. Knowing that a large number of the 4,000,000 soldiers in a land which they saved need and desire a home or a farm, I have little fear of overproduction. Do we need a stimulation of agricultural products? Is that the question the Senator asks me?

Mr. LENROOT. Does not the Senator admit that at the present prices there is no profit in raising agricultural products? If that be true, does the country need an increased production of agricultural products?

Mr. ASHURST. All the more reason why, because the soldier should have a home. If we say agricultural products are now too high, let the soldier grow them if he desires.

Mr. LENROOT. No; they are too low.

Mr. ASHURST. Mr. President, the Senator is one of the most determined fighters in the Senate. It would be distressing for me to draw any inference from his remarks that he is going to oppose this bill. I do not agree with the Senator on many things. He and I have crossed swords frequently and to my discomfiture, on many questions at times, but I shall be filled with profound regret and painful surprise if I see that superb intellect fighting the Smith-McNary bill. With his ability and leadership he owes it as a duty to his country to stand up and fight for this bill. I hope we may find him enlisted with other soldiers of the common good, marching forward in a phalanx in favor of this truly wonderful legislation which a Republican Secretary of the Interior favors. Pass this bill and glory will be your portion; defeat it, or adjourn without action on this bill and the heat of public opinion will consume you root and branch.

Promises in politics must be kept; either keep them or do not make them. A vote for this bill is a vote for the firmness, strength, and prosperity of this Republic.

Mr. ASHURST subsequently said:

Mr. President, this evening I had occasion to address the Senate for a few moments upon the Smith-McNary reclamation bill, reported favorably from the Committee on Irrigation and Reclamation. I ask unanimous consent to insert in the RECORD as an appendix to my remarks a copy of the bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill referred to is as follows:

A bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States.

Be it enacted, etc., That when used in this act—

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "district" means any district organized under the law of any State to provide for the agricultural reclamation of lands by irrigation, drainage, or dikage, with authority to issue bonds which shall be a general charge against all lands within the district and to contract with the United States under this act as provided herein.

(c) The term "farm" means an area of land within a reclamation project sufficient in size, in the opinion of the Secretary, to support a family, but not exceeding 160 acres of reclaimed land.

(d) The term "excess lands" means all lands in a single holding in excess of one established farm.

(e) The term "veteran" means any individual, a member of the military or naval forces of the United States in the War with Germany, the War with Spain, or in the suppression of the insurrection in the Philippines, and honorably discharged therefrom or placed in the Regular Army or Naval Reserve.

SEC. 2. That the Secretary is authorized to investigate the feasibility of reclaiming the lands within any district in any State under contract with the district. One-half the cost of investigation shall be advanced by the district and one-half by the United States. Upon determining that reclamation is feasible, the Secretary is authorized, under contract with the district, to construct the necessary works for the reclamation of the lands involved and operate and maintain the same so long as such operation and maintenance are necessary, in the opinion of the Secretary, to safeguard the interests of the Government. The total cost of construction and of operation and maintenance which shall include a just portion of overhead expenses shall be paid by the district to the United States.

SEC. 3. That before construction of a project is commenced the sizes of the farms therein shall be established and agreements shall be made effectively subjecting not less than 80 per cent of the excess lands within the project to disposal by authority of the Secretary to settlers at prices and terms fixed in advance in such agreements. Such prices and terms shall be determined with the view of placing a bona fide and competent settler upon each farm of the project with the least possible delay.

SEC. 4. That when, in the opinion of the Secretary, a project has been fully completed and successfully operated for one season the Secretary shall fix the construction cost thereof, which shall include the total cost of investigation, the expense of selling district bonds under section 5, interest at not exceeding 5 per cent per annum upon all sums advanced by the United States in the construction thereof, and the cost of operating and maintaining the project to the date of fixing such cost. This total cost the district shall agree to pay to the United States within a period not exceeding 40 years, with annual interest thereon at not exceeding 5 per cent per annum: *Provided*, That upon receipt by the United States from the proceeds of district bonds, as provided in section 5, of such total cost with interest, the obligation of the district to the United States for construction shall be satisfied: *Provided further*, That upon the receipt of such total cost the moneys advanced by the district for investigation of the project shall be returned to the district. So long as the Government operates and maintains a project the district shall also pay to the United States annually, upon terms to be fixed by the Secretary, the total cost of operation and maintenance.

SEC. 5. That preceding any expenditure by the United States on account of construction of a project bonds of the district equal in face value to the amount of the proposed expenditure shall be duly issued and delivered to the United States. If at any time it should appear to the Secretary that the original bond issue is insufficient to cover the cost of the proposed work, he may either curtail the work or require the district to issue additional bonds, and when the total cost of the completed project has been determined under section 4, all bonds issued in excess of such cost shall be canceled. The bonds shall be in form approved by the Secretary and shall run for a period not exceeding 40 years, bear interest at a rate to be fixed by the Secretary not exceeding 5 per cent, payable annually, and be issued in denominations of $25, $50, $100, $500, and $1,000. These bonds shall be deposited with the Federal Farm Loan Board, and when the project cost is known and the value of all of the property of the district subject to assessment for the payment of the bonds shall reach twice the par value of the bonds as found by the said board, the board shall offer the bonds at public or private sale at not less than par under terms and conditions to be provided by rules and regulations to be made by said board. The moneys received from the sale of the bonds shall be credited upon the district contract. Prior to sale of the bonds the board shall collect all moneys due thereon, and the same shall likewise be credited upon the district contract.

SEC. 6. That unentered and unpatented arid and semiarid lands of the United States susceptible of reclamation may be included in a district and may be subjected to the provisions of the act of August 11, 1916 (39 Stat. p. 506), in accordance with the terms of said act: *Provided*, That the final proviso of section 1 of the act shall not apply: *Provided further*, That while the unentered public lands within a district constitute more than 50 per cent in area of the lands therein, the Secretary shall have the right to appoint upon the district board such number of persons to represent the interests of the United States as shall constitute a majority of the board. Unentered public land withdrawn under the provisions of the act of June 17, 1902 (32 Stat. p. 388), and acts amendatory thereof or supplementary thereto, may, in the discretion of the Secretary, be included in a district. All unentered public land so included in a district shall be opened under the provisions of the homestead law and also, so far as applicable, of said act of June 17, 1902, as amended and supplemented.

SEC. 7. That the United States may acquire lands hereunder for construction, but not for agricultural purposes: *Provided*, That the Secretary is authorized to accept, by gift, deed in trust, or otherwise, land within any district and dispose of the same upon terms and conditions to be agreed upon with the grantor or later fixed by the Secretary.

SEC. 8. That in the construction of every project under this act the Secretary shall, so far as practicable, utilize the services of veterans. In every opening or sale of land by authority of the Secretary, under this act veterans shall have the exclusive right, for a period of 60 days, to make entry or otherwise acquire the land: *Provided*, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office, and shall, after the expiration of such 60-day period, be subject to entry by the first qualified applicant.

SEC. 9. That the act of June 17, 1902 (32 Stat. p. 388), and all amendatory or supplementary acts shall hereafter be known as the national irrigation law, and the fund provided for by said law shall hereafter be known as the national irrigation fund. This act, and all amendatory or supplementary acts, shall be known as the national reclamation law, and for the purpose of carrying out its provisions there is hereby established in the Treasury a fund to be known as the national reclamation fund. There is hereby authorized to be appropriated from any moneys in the Treasury not otherwise appropriated the sum of $350,000,000, to be transferred from time to time to the national reclamation fund, and appropriated upon estimates made by the Secretary for carrying out the provisions of this act. All moneys received by the United States under this act shall be paid into the national reclamation fund, and all moneys at any time in said fund shall be available for appropriation for the purposes of this act.

SEC. 10. That the Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as in his discretion may be necessary for carrying the provisions of this act into full force and effect.

Mr. McCUMBER. Mr. President——

Mr. ASHURST. I yield to the distinguished Senator from North Dakota.

Mr. McCUMBER. I thought the Senator from Arizona had concluded.

Mr. ASHURST. I will yield the floor, if that will please the Senator.

Mr. McCUMBER. Mr. President, may I ask that the Secretary restate the amendment to which this argument has been directed?

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. The question is on the amendment proposed by the junior Senator from Colorado [Mr. NICHOLSON], on page 37, line 11, to strike out "20 per cent ad valorem" and to insert in lieu thereof "3 cents per pound," so as to read:

Crystalline lump, chip, or dust, 3 cents per pound.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McNary	Smith
Borah	Heflin	Moses	Smoot
Broussard	Johnson	Newberry	Spencer
Bursum	Jones, N. Mex.	Nicholson	Sterling
Calder	Jones, Wash.	Oddie	Sutherland
Capper	Kellogg	Phipps	Townsend
Curtis	Kendrick	Poindexter	Wadsworth
Dial	La Follette	Ransdell	Walsh, Mass.
Fletcher	Lenroot	Rawson	Walsh, Mont.
France	Lodge	Robinson	Warren
Gooding	McCumber	Sheppard	
Hale	McKinley	Shortridge	
Harris	McLean	Simmons	

The VICE PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Colorado [Mr. NICHOLSON] to the committee amendment.

Mr. WALSH of Massachusetts. Mr. President, the amendment proposed by the Senator from Colorado to the committee amendment refers to lump graphite. The committee amendment fixes a rate of 20 per cent ad valorem. If the amendment proposed by the Senator from Colorado is adopted it will be equivalent to an ad valorem rate of 50 per cent.

Mr. HARRISON. On this question I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. MOSES (when Mr. KEYES's name was called). I am authorized by my absent colleague [Mr. KEYES] to state that if present he would vote "nay" on this amendment to the amendment.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I understand, however, that on this question he would vote as I am about to vote, and therefore I am at liberty to vote. I vote "nay."

Mr. McKINLEY (when his name was called). Transferring my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Pennsylvania [Mr. PEPPER] I vote "nay."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the affirmative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The VICE PRESIDENT. He has not.

Mr. JONES of Washington. I have a pair with that Senator for the time that he is necessarily absent during the day. I find, however, that I can transfer that pair to the Senator from Oregon [Mr. STANFIELD]. I do so, and will allow my vote to stand.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 17, nays 36, as follows:

YEAS—17.

Bursum	Johnson	Oddie	Sterling
Capper	Jones, N. Mex.	Phipps	Wadsworth
Ernst	Jones, Wash.	Poindexter	
Gooding	McNary	Rawson	
Harreld	Nicholson	Shortridge	

NAYS—36.

Ball	Hale	Lodge	Smith
Borah	Harris	McCumber	Smoot
Brandegee	Harrison	McKinley	Spencer
Calder	Heflin	McLean	Stanley
Curtis	Hitchcock	Moses	Sutherland
Dial	Kellogg	Newberry	Townsend
Fletcher	Kendrick	Robinson	Walsh, Mass.
France	La Follette	Sheppard	Walsh, Mont.
Frelinghuysen	Lenroot	Simmons	Warren

NOT VOTING—43.

Ashurst	Elkins	New	Shields
Broussard	Fernald	Norbeck	Stanfield
Cameron	Gerry	Norris	Swanson
Caraway	Glass	Overman	Trammell
Colt	Keyes	Owen	Underwood
Crow	King	Page	Watson, Ga.
Culberson	Ladd	Pepper	Watson, Ind.
Cummins	McCormick	Pittman	Weller
Dillingham	McKellar	Pomerene	Williams
du Pont	Myers	Ransdell	Willis
Edge	Nelson	Reed	

So Mr. NICHOLSON's amendment to the amendment of the Committee on Finance was rejected.

Mr. HEFLIN. I move to amend the committee amendment on page 37, line 11, after the word "dust," by striking out "20 per cent ad valorem" and inserting "1½ cents per pound"; so as to provide a duty of 1½ cents per pound on crystalline lump, chip, or dust graphite. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. MOSES (when the name of Mr. KEYES was called). Were he present, my colleague, the junior Senator from New Hampshire [Mr. KEYES] would vote "nay" on this amendment to the amendment.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD], but I am informed that if present he would vote as I am about to vote, and I will therefore vote. I vote "nay."

Mr. McKINLEY (when his name was called). Making the same announcement as before in reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. HARRISON. Has the junior Senator from West Virginia [Mr. ELKINS] voted?

The VICE PRESIDENT. He has not.

Mr. HARRISON. I transfer my pair with him to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

The result was announced—yeas 17, nays 35, as follows:

YEAS—17.

Broussard	Johnson	Oddie	Shortridge
Bursum	Jones, N. Mex.	Phipps	Sterling
Capper	Jones, Wash.	Poindexter	
Gooding	McNary	Robinson	
Heflin	Nicholson	Sheppard	

NAYS—35.

Ball	Hale	McCumber	Spencer
Borah	Harreld	McKinley	Stanley
Brandegee	Harris	McLean	Sutherland
Calder	Harrison	Moses	Townsend
Curtis	Kellogg	Newberry	Wadsworth
Dial	Kendrick	Rawson	Walsh, Mass.
Ernst	La Follette	Simmons	Walsh, Mont.
France	Lenroot	Smith	Warren
Frelinghuysen	Lodge	Smoot	

NOT VOTING—44.

Ashurst	Fernald	Nelson	Reed
Cameron	Fletcher	New	Shields
Caraway	Gerry	Norbeck	Stanfield
Colt	Glass	Norris	Swanson
Crow	Hitchcock	Overman	Trammell
Culberson	Keyes	Owen	Underwood
Cummins	King	Page	Watson, Ga.
Dillingham	Ladd	Pepper	Watson, Ind.
du Pont	McCormick	Pittman	Weller
Edge	McKellar	Pomerene	Williams
Elkins	Myers	Ransdell	Willis

So Mr. HEFLIN'S amendment to the committee amendment was rejected.

The VICE PRESIDENT. The next amendment proposed by the Senator from Colorado [Mr. NICHOLSON] to the amendment of the committee will be stated.

The READING CLERK. On page 37, paragraph 213a, line 11, before the word "cents," it is proposed to strike out the numeral "2" and to insert the numeral "5," so as to read:

Crystalline flake, 5 cents per pound.

Mr. WALSH of Massachusetts. Mr. President, as crystalline graphite is selling now from 3 to 4 cents a pound, if this amendment to the amendment be adopted it will impose an equivalent ad valorem rate of between 133 and 167 per cent, the highest rate that I have yet heard mentioned in connection with the pending tariff bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the committee amendment.

The amendment was agreed to.

Mr. NICHOLSON. I reserve the right to offer in the Senate, when we again reach the schedule, the amendments I have to-day offered to the committee amendment.

Mr. McCUMBER. Mr. President, I now ask to return to paragraph 211, on page 35, lines 24 and 25.

The VICE PRESIDENT. The amendment proposed by the Committee on Finance at that point will be stated.

The READING CLERK. On page 35, after line 23, it is proposed by the Committee on Finance to strike out paragraph 211, as follows:

Graphite or plumbago, crude or refined, not specially provided for, 10 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. McCUMBER. I now ask to return to paragraph 207, page 34, where the Committee on Finance propose an amendment relative to fluorspar.

The VICE PRESIDENT. The amendment proposed by the Committee on Finance in the paragraph referred to will be stated.

The READING CLERK. On page 34, paragraph 207, line 10, after the word "fluorspar" it is proposed by the Committee on Finance to strike out "5 per ton of 2,000 pounds: *Provided*, That after the expiration of one year beginning on the day following the passage of this act, the duty on fluorspar shall be $4 per ton of 2,000 pounds," and to insert "$5.60 per ton," so as to read:

Fluorspar, $5.60 per ton.

Mr. JONES of New Mexico. Mr. President, to me this is an unusual proposal. The present duty on this commodity is $1.50 per ton, which was equivalent in 1914 to 39 per cent. The Payne-Aldrich law imposed a duty of only $3 per ton, which at the time that law was enacted was equivalent to a duty of 95 per cent. Now the Committee on Finance propose to impose a duty on this commodity of $5.60 per ton, which, based on the 1914 prices, will amount to 147 per cent; on the 1910 prices to 176 per cent; and on present prices, those for 1922, will amount to 70 per cent.

Mr. SMOOT. I think to-day the price for the commodity is about $20 a ton.

Mr. JONES of New Mexico. The import price is not $20 per ton. The import price for 1921 was $12.50 a ton and the last foreign price which I have, for 1922, is $8 per ton.

Mr. SMOOT. Is the Senator speaking of the price in Mexico?

Mr. JONES of New Mexico. Yes; I am speaking of the foreign price.

Mr. SMOOT. I notice the price per ton in Mexico is $12 and the price per ton in Kentucky and Illinois is $20 and $22 a ton. According to those figures the percentage would be less than stated by the Senator from New Mexico.

Mr. JONES of New Mexico. Under those prices the percentage would, of course, be less.

Mr. SMOOT. That is all I wanted to correct.

Mr. JONES of New Mexico. At any rate, we are proposing to increase the present duty of $1.50 a ton to $5.60 a ton.

Mr. SMOOT. That is right.

Mr. JONES of New Mexico. It seems to me that that is hardly justified. If the committee has any information which will justify that rate, of course I do not intend to make any insistent opposition to it, but the information which I have will not justify the rate.

Fortunately we have quite an accurate and comprehensive survey regarding this commodity. It is very graphically pictured in the report of the Geological Survey of the Interior Department, which gives an outline showing the production of the commodity and the prices over a series of years from 1883 down to and including 1920. On the question of production I find by looking at this document that from 1883 to about 1898 the production ranged from 5,000 to 10,000 tons per annum.

After that time the production increased until about 1901. Then it began again to increase quite rapidly, and reached a production of around forty to fifty thousand tons, and remained at that production until about 1908. In 1910 we were producing about 55,000 tons per annum, and at that point the imports began rapidly to decrease. The imports in 1910 were about the same as the domestic production, 50,000 tons per annum, and the imports from that time on decreased until they amounted to less than 10,000 tons, about six or seven thousand tons per annum. The domestic production increased rapidly, and in 1912 amounted to about 115,000 tons, and in 1917 and 1918 ran up to nearly 270,000 tons, the imports in the meantime being negligible.

We also have a chart showing the prices, and that chart shows almost a uniform price from 1883 to 1916, and that uniform price was right around $6 per ton. It varied somewhat; sometimes it would go up to $7 a ton, sometimes down to $5 a ton; but I think, taking it right along, as an average it amounted to $6 per ton from 1883 to 1916. From that point the price rose rapidly, almost acutely, from $6 per ton in 1916 to over $25 per ton in 1919; and, as the Senator from Utah has just stated, the present price is over $20 per ton.

I should like to know upon what principle of legislation you are proposing this enormous increase of duty on this commodity. The American product is of a higher quality than that which is being imported, and, so far as I can learn, there is no considerable quantity in any foreign country which is at all likely to find a market in the United States. In addition to that, we have been exporting a considerable quantity of this material. I think we are exporting now, or were last year, at the rate of about 2,500 or 3,000 tons per annum, and the imports are absolutely negligible.

Here is the way the imports have run:

In 1919, when the price of the imported ore was $15.50 a ton, we imported something over 6,000 tons.

In 1920 the imports were higher than they had been during the war period, but not very much. They were 21,000 tons.

In 1921 the importations decreased to 5,560 tons, and for the first three months of 1922 they amounted only to 1,693 tons.

That does not show that this country is going to be flooded with this commodity.

The price now is four or five times what it was during a series of years from 1883 to 1916. For nearly a quarter of a century the price remained almost stationary at $6 per ton, and now a duty of $5.60 per ton is proposed.

In Canada they produce no more than the amount they consume, on the whole. It is true that on the western coast some of this commodity is imported from Canada, because it is not used in the western part of Canada. It is used in the eastern part, and in the eastern part of Canada they have to import the commodity from the United States.

We have heard a great deal here about some imports from Canada and about duty upon the Canadian commodities which are being brought into this country. I want to suggest to Senators that this is no time for the United States to build a tariff wall merely for the purpose of retaliation. That has cropped out in the consideration of this bill a number of times. Even on limestone a high tariff is asked simply because on the western coast there is one concern which may export some limestone to the United States, and the reason given for the request for the duty was simply as a matter of retaliation, because Canada has a tariff upon the importation of limestone there; and so with other commodities.

Canada reaches from one ocean to the other. Her conditions are varied, very much the same as they are in the United States; but this is no time to build up a tariff wall for the sake of retaliation against what Canada has done. On the other hand, it seems to me that we should try to bring about a better feeling, a more reciprocal condition, between this country and Canada.

The evidence on which the committee acted in making this recommendation, or, at any rate, the evidence which was before the committee, was erroneous. The witness who made the

statement was not aware of the facts. I will just call attention to what he has to say.

The principal witness asking this duty was Mr. Northen, of Hopkinsville, Ky., representing the fluorspar producers of Kentucky and Illinois. I may say that the great production of this commodity is in the State of Illinois, reaching over into the State of Kentucky. There is some of it produced in my State, New Mexico, and some in various other States, but 85 or 90 per cent of it is produced in the State of Illinois. That witness, whose testimony was taken, doubtless, as the basis for this rate of duty, on page 1424 of the hearings before the Committee on Finance, made this statement:

> This tariff should not be less than the difference between the cost of producing the spar at the mines in this country and the cost of the spar landed from foreign countries without duty paid, which cost, as evidenced by the data secured from the United States Government records, is approximately $10.50 per ton during the first six months of 1921.
>
> The cost of this foreign spar, $10.50, includes cost of production, transportation, and profit to the foreign producer, as compared with the average cost of $20.25 in this country, without profit to the producer.

The facts do not sustain that statement; but, to the contrary, we find a statement from the Geological Survey regarding this importation, and here is what it says:

> The imports of fluorspar in 1920 were equivalent to about 15.9 per cent of the domestic shipments of gravel fluorspar, as compared with about 5.7 per cent in 1919.
>
> According to the values reported, including the duty of $1.34 a short ton ($1.50 a long ton) and the ocean freight, estimated to be about $4.50 a ton, the average cost of imported English fluorspar at the docks in the United States was $14.27 a ton in 1920, compared with $23.24 for domestic merchantable gravel at the mine or mill.

Then the survey proceeds to discuss the availability of the American supply. It is true that it is mined principally down in Illinois and over in Kentucky, and the rail rate is pretty high from that section over into Pennsylvania, where it is principally used. I may say that it is used principally in the open-hearth production of steel, and it is becoming more in demand all the time.

Mr. President, I do not care to take up any more time regarding this item. I wanted to call the attention of those who propose this very great increase in rates to the item, and I ask Senators to observe the very extraordinary price which exists at the present time. For twenty-odd years the price ranged around $6 per ton. It is now just about four times that price; and, that being so, why increase this duty from $1.50 per ton to $5.00 per ton?

Mr. President, I move to strike out the numerals "$5.00" and to insert in lieu thereof "$1.50."

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on the amendment offered by the Senator from New Mexico to the amendment of the committee.

Mr. McCUMBER. Mr. President, I simply desire to put upon the record some of the facts and figures bearing upon this item which will be at least explanatory of the situation and the reasons which guided the judgment of the committee.

I agree with the Senator that the Underwood rate of duty was $1.50 per ton. The Payne rate of duty was $3 per ton. The House rate of duty presented to us was $5 per ton of 2,000 pounds, and the Senate committee gave practically the House rate per pound and applied it to the 2,240-pound ton, as all the fluorspar comes in upon the long-ton basis. So the Finance Committee rates are practically the same as those of the House committee.

An item which I think might be of interest in voting upon that is this: We had a rate of $3 per ton under the Payne-Aldrich law, and I am considering this both from the standpoint of protection and revenue. With a $3 per ton rate in 1910 we collected $127,464 in duty; in 1911 we collected $98,298; in 1912 we collected $70,115; in 1913 we collected $50,247.68. Then the duty was changed to $1.50 per ton, or just one-half the former rate, and the amount of duty collected immediately dropped, in 1914, to $13,668.48.

That was an enormous loss of revenue, and when we take into consideration the fact that the average price of labor in producing fluorspar in England, from which the great importations came, and the increase in the cost of production here, $3 per ton at that time would not have been more than the equivalent of $5 per ton at the present time, and with the difference in labor wages, the difference in the cost of transportation, and everything of that character, there would not be any more protection now at $5 per ton than there would have been at $3 per ton under the Payne-Aldrich law. I think, taking the differences which existed at that time between domestic and foreign production, and the differences which exist at the present time between cost of production in Great Britain and the United States, the relation of duty to these differences will be approximately the same. That is quite a little duty to be collected, and with the increase I believe we will receive a considerable increase in revenue.

I want to call attention to one more statement. I will not read all that is contained in the tariff-information service but only a single paragraph here, in which it is stated:

> Over 90 per cent of the domestic production of fluorspar is mined near Rosiclare, Ill. The field extends across the Ohio River into the adjoining counties of Kentucky. Fluorspar is also produced in New Hampshire, Arizona, and Colorado.

But I will consider only the 90 per cent which is produced near Rosiclare, Ill., and the information which we now have is that practically all those mines are now closed down, and closed down because they can not compete with the foreign importation prices.

I desire to read from a statement made by Mr. Benedict Crowell, president of one of the companies at Rosiclare. This was written June 30, 1921, but I find that the importing price to-day is about the same as he gave at that time, about $12.45 per ton. This is addressed to the then chairman of the Committee on Finance, Senator Penrose, and reads:

> This company has for many years been the largest producer of fluorspar in the United States.
>
> When, in January, 1921, the producers of fluorspar presented a memorial to the Ways and Means Committee of the House of Representatives asking for a tariff of $5 to $6.50 per net ton of 2,000 pounds on fluorspar all of the important mines in the the United States were in operation.
>
> To-day all mines are closed down.
>
> The price of gravel fluorspar in the United States to-day is about $20 per net ton f. o. b. the mines. The cost of fluorspar for the year 1920, based on sworn figures of the 17 largest producers of Kentucky and Illinois, was as follows:

Total tons produced	141,393
Total cost	$2,864,442.88
Average cost per ton	$20.25

I especially call attention to the next paragraph:

> Our principal foreign competition comes from England. The writer has just returned from England after having made a careful examination of the fluorspar industry in that country. The average cost of putting gravel fluorspar on the cars at the mines (in England) is now about $2.80 per ton United States currency, as compared with our cost of $20.25 per ton. English fluorspar is now being delivered in our eastern seaports, duty paid, at a cost of about $12 per ton.

In 1920 we imported 21,975 tons, valued at $265,630, or $12.41 per ton. That is 41 cents higher than was given by this witness as the price in 1921.

I doubt if this will ever go back in England to the pre-war prices, because, as the Senator from New Mexico well understands, the labor cost in England is, I think, nearly trebled what it was in 1914 and prior to the war. At least it is more than doubled. It has increased in percentages even higher than the labor costs in the United States, if I am correctly informed. I therefore assume that in all probability the cost of the foreign product landed in the United States will remain at about these figures for some time at least—$12 per ton. This witness proceeds:

> It is therefore perfectly apparent that the mines in America will stay closed down unless this differential is corrected by a duty. In my opinion the duty necessary to accomplish this is approximately the difference between these two figures.

As a matter of fact, it would have to be a little different if the Illinois and Kentucky mines were to compete in the eastern market, because the cost of bringing the article over from Great Britain is considerably less than the cost of transportation from Illinois to the eastern coast. The witness further said:

> In addition to the above, I would invite your attention to the fact that English spar mines are located less than 100 miles from ocean transportation, while American mines have a long and expensive rail haul. Furthermore, English producers have the advantage of shipping their fluorspar as ballast, taking the lowest possible ocean freight rate.
>
> The two elements to be taken into consideration are the lower cost of production of the English fluorspar and the lower cost of transportation, which, added, make a differential to-day against the American fluorspar of between $8 and $9 per net ton. There is no truth in the rumor that the English sources of supply are approaching exhaustion.

The Senator will recall the fact that the English supply comes from the dumps of old lead mines, and while the dump may be exhausted it is quite certain that the gravel from which the lead was extracted has not been exhausted in that section of the country. We have no evidence, at least, of any probability of any immediate exhaustion.

I call attention to the fact that, while this witness testifies that it will be necessary to make a differential of eight to nine dollars per ton, the committee has made all allowance for the probable reduction, both in the cost of production at the mines and in the cost of transportation, and has given $5 per ton instead of eight or nine dollars per ton.

I think for the most part this will be a duty from which we will secure considerable revenue, but I think it will operate both as a good revenue producer and also operate to protect our mines, so that the mines in the United States will be able

to operate, at least for some time to come, notwithstanding the fact that we have only given about from 50 to 60 per cent of what the mine owners thought was necessary for protection.

Mr. JONES of New Mexico. Mr. President, I do not care to prolong this discussion, but it seems to me, from what the Senator from North Dakota has said, that he demonstrated that this is no time in which to propose a revision of the tariff upon these commodities.

The situation in respect to this item is in great measure the same as that of hundreds and thousands of other items in the bill. The Senator from North Dakota has himself developed a state of facts which show that we have no information on which we can levy a duty at this time under any theory of tariff legislation, either for revenue or for protection.

Mr. McCUMBER. Mr. President, does not the Senator really agree with me that, taking the importation price of about $12.41 per ton, which is the last figure we have, and which is quite low; and taking into consideration what the price was before the war; taking into consideration the increase in labor wages in Great Britain, that we may safely assume that about $12 a ton, which is not very different from what it was a short time ago, will continue to be the price for some time, and if we have only given a duty of $5, when the real difference in the cost of production here and abroad, according to the most up-to-date figures, is about $20, we have given sufficient leeway for a reduction in the price in the United States? If the Senator will allow me, I agree with him that it is a difficult time to fix tariff rates.

Mr. JONES of New Mexico. I am glad the Senator concedes that. I think the facts surrounding this item emphasize that point, a point which I have tried to present here time and again during the discussion of the bill.

The Senator from North Dakota says that the mines are closed down because of importations. I do not believe the Senator intends to insist upon that as a statement of the facts. It seems to me that if the mines are closed down it is simply because there is no demand for the product. The open-hearth furnaces of the country are closed down. The consumption demand does not exist in the country. We are not being flooded by any great quantity of importations. As I stated to the Senator, the importations have been less than they were even before the war. Just let me give the Senator some figures.

In 1910 we imported 42,000 tons, leaving off the odd figures; in 1911, 32,000 tons; 1912, 26,000 tons; and in 1913, 22,000 tons. Those are the years prior to the war, and the lowest was 22,000 tons in 1913. In no year since that time has that amount been equaled. From 1910 to 1913, inclusive, the importations decreased from 42,000 tons to 22,000, and in no year since that time have they amounted to as much as 22,000 tons.

On the contrary, the most that was imported in any one year since that time was in 1920, when the importations were 21,975 tons, and in the very next year, 1921, when the imported price was higher, the foreign price in 1921 being $12.50, we imported only 5,560 tons.

In the first three months of 1922, the present year, we imported only 1,693 tons. That shows the least quantity in importation that we have had almost, only 5,000 tons in the whole year of 1921, while prior to the war we were importing at the rate of about 22,000 tons, although that decreased. There is nothing shown but a decrease of importations when the present duty is only $1.50. Ever since the $3 rate was put on in 1910 there has been an increase. When the $1.50 rate was put on the importations continued to decrease. So it is evident that there is something wrong with the industry rather than the enormous importations. The industry is not threatened with any effect, in my judgment, by importations from abroad.

I do not know where the statement of the witness came from which the Senator from North Dakota has read. It does not appear in the hearings before the Senate Finance Committee. I suppose it is something very recent. It is the statement of an interested party as to the cost of the English fluorspar, and if it only costs $2.50 to put it upon the boat in Great Britain and it comes over in ballast, I would like to know why it does not get here and enter this market for less than $20 a ton. If those are the facts, why is not the domestic production stopped entirely? The Senator certainly can not seriously believe that that reflects the actual condition.

I do not believe any sane person would think of enacting a tariff bill based upon any such information as that. Here the Senator tells us in one breath that it costs comparatively nothing to put it upon the boat, that it comes over here in ballast, and yet the price of it in the United States is over $20 per ton. It seems to me Senators should reflect upon the effect of such testimony as that.

Mr. McCUMBER. I hope before he draws that kind of mathematical conclusion the Senator will draw it from the evidence and not from his statement. I read the letter to show that the f. o. b. price at the mines is the figure. He gave the price in England and what it cost at the mine.

Mr. JONES of New Mexico. About $2.50, as I understand the Senator.

Mr. McCUMBER. That is, at the mine. But remember that the mines are 100 miles inland, and the product has to come by rail from the mines to the boat. There are the freight charges, though I do not know just what they are, as well as the cost of unloading from the railroad and loading onto the boat, and there is also the cost of transportation to this side.

Mr. JONES of New Mexico. The witness suggests that it comes over in ballast.

Mr. McCUMBER. Of course, he said it comes over as ballast, but he did not say it came for nothing.

Mr. JONES of New Mexico. But he means to infer that the transportation charge is comparatively nominal. That is what he means.

Mr. McCUMBER. Let me call attention to another thing, if the Senator will allow me. The Senator gave about 22,000 tons as the amount that came over in 1910.

Mr. JONES of New Mexico. In 1910 there were 42,000 tons imported.

Mr. McCUMBER. There were nearly 22,000 tons imported in 1921.

Mr. JONES of New Mexico. I gave the amount, 21,975 tons.

Mr. McCUMBER. That is a very good importation for one year.

Mr. JONES of New Mexico. But I called attention to the fact that the very next year the importations fell off to 5,560 tons.

Mr. McCUMBER. On account of the depression, which the Senator will admit, to a great extent.

Mr. JONES of New Mexico. The foreign price of it had increased from $10.75 to $12.50 per ton. So the trouble is not with any competition in the production of fluorspar, but it is depression of business in this country. I would like to know if we put upon stilts the price of this product, which the steel furnaces must have, will we encourage the resumption of business? I submit that the situation here can only tell us that this is no time to try to fix prices upon fluorspar through a tariff bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	McKinley	Shortridge
Brandegee	Harris	McLean	Simmons
Calder	Johnson	McNary	Smith
Capper	Jones, N. Mex.	Newberry	Smoot
Curtis	Jones, Wash.	Nicholson	Spencer
Dial	Kellogg	Oddie	Sterling
Elkins	Kendrick	Page	Sutherland
Ernst	La Follette	Pepper	Townsend
France	Lenroot	Phipps	Wadsworth
Frelinghuysen	Lodge	Rawson	Warren
Gooding	McCumber	Sheppard	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. BURSUM and Mr. STANLEY answered to their names when called.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate and secure the attendance of absent Senators.

Mr. BROUSSARD and Mr. SHIELDS entered the Chamber and answered to their names.

After a little delay Mr. ROBINSON and Mr. PITTMAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, there is a quorum present. The question is on the amendment of the Senator from New Mexico [Mr. JONES] to the amendment of the committee, which will be stated.

The ASSISTANT SECRETARY. Strike out "$5.60" and insert in lieu thereof "$1.50," so as to read:

Fluorspar, $1.50 per ton.

Mr. SIMMONS. Let me understand exactly what this amendment is. I was not here when it was discussed. I will ask the Senator from Utah to explain it.

Mr. SMOOT. The rate on fluorspar is $5.60 a ton, as provided in the committee amendment. The Senator from New Mexico offered an amendment to strike out $5.60 per ton and insert $1.50 per ton.

Mr. SIMMONS. I ask for the yeas and nays on agreeing to the amendment to the amendment of the committee.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. McKINLEY (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. CARAWAY] to the Senator from Minnesota [Mr. NELSON] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. KELLOGG] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. OVERMAN], which I transfer to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

The roll call was concluded.

Mr. BALL (after having voted in the negative). Has the senior Senator from Florida [Mr. FLETCHER] voted?

The PRESIDING OFFICER (Mr. McNARY in the chair). That Senator has not voted.

Mr. BALL. I transfer my general pair with that Senator to the junior Senator from Delaware [Mr. DU PONT], and let my vote stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE];

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

Mr. COLT. Making the same announcement as on the former vote, I vote "nay."

The result was announced—yeas 15, nays 38, not voting 43, as follows:

YEAS—15.

Ashurst	La Follette	Sheppard	Stanley
Dial	Myers	Shields	Underwood
Harris	Pittman	Simmons	Walsh, Mass.
Harrison	Robinson	Smith	

NAYS—38.

Ball	Gooding	McKinley	Shortridge
Brandegee	Hale	McLean	Smoot
Broussard	Johnson	McNary	Spencer
Bursum	Jones, Wash.	Newberry	Sterling
Calder	Kellogg	Nicholson	Sutherland
Colt	Kendrick	Oddie	Townsend
Curtis	Ladd	Page	Wadsworth
Elkins	Lenroot	Pepper	Warren
Ernst	Lodge	Phipps	
France	McCumber	Rawson	

NOT VOTING—43.

Borah	Fletcher	McKellar	Reed
Cameron	Frelinghuysen	Moses	Stanfield
Capper	Gerry	Nelson	Swanson
Caraway	Glass	New	Trammell
Crow	Harreld	Norbeck	Walsh, Mont.
Culberson	Heflin	Norris	Watson, Ga.
Cummins	Hitchcock	Overman	Watson, Ind.
Dillingham	Jones, N. Mex.	Owen	Weller
du Pont	Keyes	Poindexter	Williams
Edge	King	Pomerene	Willis
Fernald	McCormick	Ransdell	

So the amendment of Mr. JONES of New Mexico to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. SMOOT. I ask that we now take up paragraph 214, page 37.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. In paragraph 214, on page 37, line 21, after the word "and" where it occurs the second time, strike out "materials, crude or advanced in condition," and insert "materials (crude or advanced in condition)," so as to read:

Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, etc.

The amendment was agreed to.

The next amendment was, on page 38, line 1, before the words "per cent," to strike out "21" and insert "35," so as to read, "if not decorated in any manner, 35 per cent ad valorem."

Mr. SIMMONS. Mr. President, the House rate upon this product is 21 per cent ad valorem. Under the act of 1913 it was 20 per cent ad valorem. Under the Payne-Aldrich law it was 35 per cent ad valorem. So that the proposition of the Finance Committee of the Senate is simply a proposition to restore the Payne-Aldrich rate.

Under the much lower rate of the present law a situation has arisen with reference to this product which, I think, shows conclusively that there is no justification for practically doubling the rate. The imports have been exceedingly small. The imports in 1914 of plain articles and ware were valued at $90,326, and of the decorated articles and ware only $22,000. The later statistics which are given by the Tariff Commission show, with respect to a part of the plain article, that the imports are less to-day than they were in 1914. In 1919 they were $90,000, while in the nine months of 1921 other articles and ware, composed of earthy or mineral substances, whether susceptible of decoration or not, not decorated, were only $26,000. Of other articles and ware composed of earthy or mineral substances, whether susceptible of decoration or not, decorated, for the nine months of 1921 there were imported only $7,022 worth.

I believe I might just as well discuss the other rate at this time. The other rate is increased from 28 per cent to 45 per cent. That is really the material rate. The first is not of very great importance; but the second is of much greater importance, because it applies to articles that are in common use. That rate is raised from 28 to 45 per cent ad valorem. As it seems to be impossible to separate the items, I will read with reference to both from the Summary of Tariff Information:

Sewer pipe is salt-glazed clay pipe used for conveying water or sewage and as conduit pipe for subsurface electric cables. Draintile are unglazed clay pipes used for draining the surplus water from marshy or flooded farm lands. Fireproofing tile or block are solid or hollow blocks of burned clay used in place of brick or concrete for walls and floors. Combustible material, such as straw, sawdust, or coal, is often added to the clay mix, so that the burned product is light in weight and very porous.

That is a general description of articles which are covered by one or the other of the rates fixed in this paragraph.

Now let me call attention to the situation with reference to the domestic production.

The domestic industry manufactures practically the entire domestic supply of these products. All machinery and equipment are produced or manufactured in the United States, and the domestic processes are at least as efficient as those used in any foreign country. Sewer pipe is produced in heavy presses, which shape the article from a clay slug; draintile and fireproofing block are made by forcing the clay through a die at the discharge end of the mixing or pug mill. In this manner finished green tile are produced in one operation.

The industry is widely distributed throughout the United States. There was $70,900,000 invested therein in 1914, divided among 769 establishments manufacturing sewer pipe and draintile, and 115 establishments manufacturing fireproofing tile or block. Ohio, New Jersey, Pennsylvania, Illinois, Missouri, Indiana, and Iowa are the most important producing States.

The manufacture of sewer pipe and draintile originated in England and continental Europe, but fireproofing tile is an American development growing out of the local steel-construction practice. The manufactures of sewer pipe and draintile are local industries in all foreign countries, the domestic industries producing enough to satisfy the home market.

The cost of these articles per unit of weight is small, and the careful packing necessary when long-distance shipments are to be made restricts the market of the domestic plants and practically prohibits international shipments.

This means that we are producing in this country all these products that the domestic market requires; that those products are produced in foreign countries, but are produced in localities to supply the immediate demand of the locality, and that on account of the packing that is necessary, the weight and bulk of the article, long-distance shipments are impracticable, and that as a result this situation practically prohibits the international shipments.

So we have a situation where we are protected against foreign competition by the very conditions and circumstances which environ the production of the articles here and abroad.

The production of specified clay products in the United States in specified years has been as follows:

Draintile, in 1914, $8,000,000—I shall not read all the figures, but merely give the round numbers—in 1918, $8,000,000; in

1919, $10,000,000; in 1920, the last year for which figures are given, $13,000,000.

Hollow building tile or block, in 1914, $8,000,000; in 1918, $13,000,000; in 1919, $16,000,000; and in 1920, $25,000,000.

Sewer pipe, in 1914, $14,000,000; in 1918, $15,000,000; in 1919, $16,000,000; and 1920, $22,000,000.

This makes a total of $60,000,000 of products, roughly estimated. That is the domestic production in 1920.

Now, what were the imports? The Tariff Commission says no statistics are available, but the amount is negligible. Why negligible, Mr. President? The part of this Tariff Commission report which I read a little while ago explains why. It is because of the fact that they are produced in foreign countries only for the purpose of supplying the local demand, and because of the nature of the article the requirements in connection with its packing and shipping are such as to make international shipments out of the question.

The importations, therefore, are negligible. At times small amounts of Canadian pipe and tile are imported from plants close to the international boundary, but those shipments from Canada are so insignificant and so local in their character that this great governmental agency investigating the matter for the purpose of ascertaining whether it was necessary and proper to put a duty on for the protection of American products does not attempt even to given the quantity that we received from Canada.

I think it may be safely said, Mr. President, from the data furnished us by the Tariff Commission when it was making investigation for the purpose of ascertaining whether this product, together with other products contained in the bill, was entitled to protection, that there are no importations of the product of any consequence, at least not sufficient to be mentioned. Therefore it would seem to me from that statement that there is no necessity for imposing a duty upon the product for the purpose of protecting American industry.

Now, let us see about the exports:

Small shipments of sewer pipe and building tile are exported to Canada, but the amount usually is negligible.

So that because of the nature of the product our importations from our neighbor across the border are so negligible that the Tariff Commission does not think it necessary to mention them or estimate them, and our exports across the border to Canada are so negligible that they do not estimate them or think it necessary to estimate them.

I do not wish to annoy Senators representing the committee, but under these circumstances I would like to have the Senator in charge of this particular item explain to the Senate, in view of these conditions, upon what principle they justify imposing this rate of duty upon the article. I have understood that these duties were imposed for the purpose of protecting an American-produced product against a foreign-produced product which was invading our markets and being sold at a price less than the American product could be produced for. But here we have a case where the American production in 1920 amounted to nearly $60,000,000 and the imports were absolutely negligible and the exports were absolutely negligible. If the committee has any reason for the imposition of this duty, I would like to hear it.

I can not myself conceive of any reason upon the statement made by the Tariff Commission. We set up the Tariff Commission, it will be remembered, for the purpose of having these investigations made, in order that they might furnish us the data upon which we might determine the question of whether we ought to give a duty for revenue purposes or protection purposes or not.

Mr. SMOOT. Mr. President, paragraph 214 is the basket clause. It takes all manufactured articles of earthy or mineral substances that are not provided for otherwise in the bill. It is true that sewer pipe falls in this paragraph. I will say frankly that if sewer pipe were the only thing that fell within the paragraph there would be no necessity of these rates. I wish to call the Senator's attention to the fact, however, that articles manufactured from feldspar fall within this paragraph. Porcelain is made from feldspar, and some of it is very expensive, indeed. It falls under this paragraph. All items that are not specially provided for in this schedule fall under this paragraph. The Senator from North Carolina referred to the Tariff Commission. I want to call the Senator's attention to what the Tariff Commission have said in relation to this product, of which I have just spoken:

The domestic production of feldspar is not sufficient to supply the domestic market. The combined feldspar production of Canada and the United States is equal, approximately, to one-half the world production. Practically the entire Canadian production is consumed in the United States.

In the Reynolds report is given the result of the investigation which was made as to gas radiants, which fall under this paragraph. The following is the result: The foreign value of each gas radiant was 2.6 cents; the landing charge was one-tenth of a cent; the selling price in the United States of the foreign article was 4.2 cents. Granting a profit of 33⅓ per cent only—not what was probably charged upon the article itself, but just allowing the 33⅓ per cent—it would require a duty of 253 per cent to equalize the foreign product and the product in the United States.

I recognize that under conditions of that kind we can not keep these commodities out, and I am frank to say that there are very few of them that are ever used. Therefore it would be unfair for me to stand here and say that there ought to be a duty of 253 per cent, as is recommended by the Reynolds report. Conditions do not justify any such position, nor has the committee taken any such position. The position they do take is that on the undecorated wares—that is, the great majority of the articles falling within this paragraph—there shall be a duty of 35 per cent and a duty of 45 per cent on the decorated, giving 10 per cent differential between the plain and the decorated.

The Senator from North Carolina refers to the fact that in the House bill the rate on the undecorated was 21 per cent, and that it has been increased to 35 per cent, and on the decorated the House bill was 28 per cent, and that has been increased to 45 per cent.

Of course, the Senator from North Carolina knows that the House rate was based upon the American valuation, and the rates which we recommended in the pending bill as reported to the Senate by the Committee on Finance are based upon the foreign valuation. Take this item alone to which I have referred and see what a difference it would make.

Mr. SIMMONS. May I ask the Senator from Utah a question?

Mr. SMOOT. Yes.

Mr. SIMMONS. Where do the articles of which the Senator speaks come from?

Mr. SMOOT. Most of them come from Germany, and a few of them come from England, but, so far as the feldspar products are concerned, most of them come from Canada. Canada and the United States produce at least one-half of the feldspar products which are made in the world, and the United States takes practically all of the feldspar products which are made in Canada.

Mr. President, I do not know whether there is any necessity of reading any further in relation to this subject. I could read from the report of the Tariff Commission as to the necessity of the rates which are here mentioned and call attention to the fact that feldspar is an important constituent of scouring soap, and where feldspar is used and for what purposes; but I do not believe it would be of any interest at all to the Senate for me to do so.

As to this basket clause, Mr. President, no Senator can get up upon the floor of the Senate and say that everything which falls within the clause should bear the exact duty for which the basket clause provides.

Mr. SIMMONS. Can the Senator from Utah give us any idea what falls within the basket clause? The Senator has spoken of feldspar, which is made in Canada. I did not know until now that it costs 45 per cent more to make feldspar in Canada than it does in this country. I have been under the impression that there was not very much difference between the labor costs and the material costs in this country and in Canada.

Mr. SMOOT. It all comes into this country.

Mr. SIMMONS. The Senator from Utah says that we take all the feldspar that Canada produces; that it requires the Canadian production, together with what we produce, I suppose, to supply us; but can the Senator tell me what products other than feldspar fall under this basket clause?

Mr. SMOOT. All products made out of earth which are not otherwise specially provided for.

Mr. SIMMONS. The Senator can not specify them. If the Senator will pardon me, as I understand, the Finance Committee undertook to frame a scientific tariff so as to bring the price of the foreign article when sold in this market and the price of the domestic article up to a fair degree so as to produce an equality of competition. I am wondering how they settled upon what rate was necessary to bring about that equality of competition if they did not know what articles were included in this basket clause. How could they reach the conclusion as to what rate was necessary unless they knew what articles were covered by the basket clause? I should like to have the Senator, if he can, tell us what articles are in this basket clause,

and then, after he has told us that, I should like to have him tell us, if he can, what was the domestic selling price of that article and what was the selling price of the foreign article in this market, so that we may test the rate of duty which is provided for the bill and see whether it is a just and reasonable rate or not. That is the reason I should like to have that information.

Mr. SMOOT. Mr. President, the present law bears the name of the distinguished Senator from North Carolina, and he ought to know what articles fall in the basket clause, if he thinks anyone else ought to know. He was the father of the basket clause in this schedule of the existing law, and I ask him why he allowed various commodities to fall within the basket clause in the bill framed by him?

Mr. SIMMONS. I was not endeavoring to frame a tariff bill upon the same principle that the Senator has helped frame the pending bill.

Mr. SMOOT. The Senator knows enough about tariff legislation to know that a basket clause not only in this schedule but in every other schedule is a catch-all clause. It covers many items, some of them of importance and some of them of so little importance that statistics of them are not kept in the Treasury Department. Mr. President, a basket clause is provided so that if between the passage of one tariff bill and the passage of the succeeding tariff bill an article shall come into use that was not known in commerce before—and instances of that kind always happen—it may be covered by a basket clause. The very name "basket clause" means that it is a catch-all clause, but no living man can say what is going to fall within that basket clause. If an industry develops——

Mr. SIMMONS. Mr. President, may I ask the Senator a question, if it will not offend him?

Mr. SMOOT. Of course the Senator could not offend me; it would be impossible for him to do so.

Mr. SIMMONS. I wish to say, Mr. President, that when I was preparing the present law—and that was about 10 or 12 years ago—I was preparing a law for revenue purposes, and it was not necessary for me to measure things with the golden scales with which the Finance Committee tells us they measure the rates provided in the pending bill. We put the duties on for revenue purposes solely, and did not measure them scientifically. But let that go. The question I want to ask the Senator——

Mr. SMOOT. Mr. President, I want to say to the Senator that from this basket clause as well as all other basket clauses we expect to get revenue, just as the Senator expected to get revenue under the basket clauses provided in the bill framed by him, but no living man can say what commodities will fall within a particular basket clause. I can tell the Senator some of the items.

Mr. SIMMONS. Let me ask the Senator another question, as I should like to obtain the information. The duties which the committee is now proposing to impose include, do they not, sewer pipe and draintiles about which I have read?

Mr. SMOOT. Every word the Senator stated in his remarks as to the production and consumption in the United States and also the importations under this schedule was correct; there is no doubt about that. I even opened my remarks by saying that I knew that sewer pipe fell within this paragraph; but so do many other articles manufactured or partially manufactured from any kind of earth that may be known to-day or that may be discovered and come into use between now and the time another tariff bill shall be framed.

The Senator wants to know some of the articles that fall in this basket. I am only going to give him a few of the A's; I am not going to go through the list from A to Z, but really it is so important that I think the Senator ought to know some of the articles.

The first is actinolite; then adamantine; then artificial teeth——

Mr. SIMMONS. Mr. President, may I inquire what the first article is?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. No; I do not wish to yield at this time; I want the Senator from North Carolina to get the information for which he is asking.

Mr. SIMMONS. I merely want the Senator to tell what the first article he read is.

Mr. SMOOT. Of course, when I give the Senator the information, then he wants another explanation. I know the Senator has got to take up one hour of time until the Senator from New Mexico returns, and he wants me to help him out, and I am going to do so for just a few moments, and then I am going to quit. I think I named artificial teeth. I think the American people, Mr. President, are going to suffer greatly because of the fact that a duty of 35 per cent ad valorem is imposed on artificial teeth. I can see ruin overspreading the country from one end to the other because it is proposed to place a duty of 35 per cent on artificial teeth.

Then there is ayrstone; but, Mr. President, I am not going to take any more of the time of the Senate. I want to say that under this paragraph we have given the same rates on the basket clause that were given in the Payne-Aldrich bill, as the Senator says. There is no question at all about that. We do not deny it. We say frankly that that is what has been done, and no living man can say what will fall under this paragraph during the life of this bill.

Mr. McCUMBER. Mr. President, I ask unanimous consent that when the Senate closes its session on this calendar day it recess until to-morrow at 11 o'clock a. m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SIMMONS obtained the floor.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will please state it.

Mr. POINDEXTER. What is the question now?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in line 1, page 38.

Mr. POINDEXTER. I should like to inquire how many times the Senator from North Carolina has spoken on this subject?

Mr. SIMMONS. I have spoken once. I will answer the Senator. Does the Senator desire to cut me off in my youth?

Mr. POINDEXTER. No; not at all. I really am just inquiring for information. I am sure the Senator does not want to delay action upon the matter.

Mr. SIMMONS. No.

Mr. POINDEXTER. I intended rather to direct the inquiry to the Senator from Utah.

Mr. SIMMONS. The very last thing I would do would be to delay action on this particular item.

Mr. President, the Senator from Utah has furnished me with a list of six different things that he says are in the basket clause. I do not know that I ever heard of any one of them except artificial teeth. I should like to inquire of the Senator if there is anything in the hearings that shows the difference between the foreign selling price of these five articles and the American selling price in the American market? If there is no evidence of that sort, I should like to ascertain from the Senator from what source he derived the information necessary to enable him to make this scientific tariff upon the principle upon which we have been told that it was made?

Mr. SMOOT. I will tell the Senator where he can get it, but really I do not think we care to answer any more questions. If the Senator will get Vandegrift's "United States Tariff" and look in that volume, he will find the items falling under each of the paragraphs.

Mr. SIMMONS. Does it give the selling price in this market of the foreign and domestic articles?

Mr. SMOOT. Oh, no.

Mr. SIMMONS. That is what I wanted to get at.

Mr. SMOOT. The existing law, as I remember, is paragraph 81, and the Senator can find not only these but a great many other articles there.

Mr. SIMMONS. Mr. President, to be serious about this matter, in the Tariff Commission Summary that we are furnished here I suppose they intended to include the various and sundry items that come in under the basket clause. They have five different tables of things that come in under the basket clause; and I find that the total amount of imports of those five particular things for the nine months of 1921 was somewhere around $65,000 only. The imports of these n. s. p. f. items about which the Senator makes so much contention were absolutely negligible.

But, Mr. President, suppose we were to assume, suppose I should concede, that there was some justification for these duties upon the specific articles of which the Senator has given me a list here as coming under the basket clause. Suppose I were to concede, I say, that the difference in the selling price here in this market of the foreign and the domestic products was such as to justify a duty of 45 per cent as to them. The Senator admits that sewer pipe and drainage tiles are also included in this item and subject to this duty.

Mr. SMOOT. Thirty-five per cent.

Mr. SIMMONS. Thirty-five per cent duty. I have shown, and the Tariff Commission's report shows, that the domestic pro-

duction of those items is about $60,000,000, and that there are no imports, or no imports to speak about.

Mr. SMOOT. There will not be, as far as the interior of the country is concerned.

Mr. SIMMONS. If the Senator felt that it was necessary for him to include these specific items that he says come in under the basket clause, I want to ask him why he included sewer pipe and drainage tile, the domestic production of which amounts to $60,000,000, and there are no imports? Why does the Senator want to put a duty of 35 per cent upon those items? The Senator has not undertaken to justify his duty of 35 per cent upon sewer pipe and drainage tile. He has only undertaken to justify it upon these specific items that I suppose nobody except some scientist ever heard of before, outside of artificial teeth. I will admit, for the purpose of argument, that he had some justification for imposing a duty upon those basket-clause items, but the other two items are tenfold more significant than all of those put together, namely, the item of sewer pipe and the item of drainage tile. They are used by all the people of this country—farmer, merchant, householder, everybody—and I have shown to the Senator that with a domestic production of $60,000,000 last year there were no imports and no exports, and yet under this clause the Senator wants to impose a duty of 35 per cent upon those articles. I say it is an outrage upon the people of this country who use these articles to impose any such rate as that upon them.

But, Mr. President, I do not wish to take up the time of the Senate. I am anxious to have a vote upon this question, and I ask now that we have a vote. Before the vote is taken on the committee amendment, I move to strike out, in line 1 of the Senate committee amendment, "35" and to insert "20."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 38, line 1, in the amendment of the committee, in lieu of the sum proposed to be included by the committee, "35," it is proposed to insert "20."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 38, line 2, it is proposed to strike out "28" and insert "45," so as to read:

If decorated, 45 per cent ad valorem.

Mr. SIMMONS. I move to strike out "45" and insert "20."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment.

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 38, line 4, the committee proposes to strike out "15" and insert "20," so as to read:

Gas retorts, 20 per cent ad valorem.

Mr. ROBINSON. Mr. President, I do not think it will require more than a few moments to dispose of this paragraph.

The rate proposed by the House on gas retorts is the same as that provided in the act of 1909, and I do not know that that rate is excessive; but to the latter clause, "and magnesia clay supporters, consisting of rings, rods, and other forms for gas mantles, 35 per cent ad valorem," the committee proposes an amendment striking out "35" and inserting in lieu thereof "50."

Nothing in the information furnished the Senate justifies these increases. While the figures on production of these articles are not available, the information furnished by the Tariff Commission is to the effect that practically all of the retorts used in the United States are of domestic manufacture. The imports are stated to be small. In 1914, 455 retorts were brought in, valued at $17,627. In the year following approximately one-third of the number imported in 1914 came in, namely, 152 retorts. As to the tariff proposed on materials for gas mantles, the ad valorem rate of 50 per cent appears to be neither necessary nor justified.

I therefore move to amend the committee amendment by striking out "20" and inserting in lieu thereof "10."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment.

The amendment was agreed to.

The next amendment of the committee was, on page 38, line 5, after the words "lava for burners" and the comma, to insert "10 cents per gross and 15 per cent ad valorem" and a semicolon.

Mr. ROBINSON. I move to strike out "15," in line 5, and insert "5" in lieu thereof.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The next amendment of the committee was, on page 38, line 7, to strike out "35" and insert "50," so as to read:

And magnesia clay supporters, consisting of rings, rods, and other forms for gas mantles, 50 per cent ad valorem.

Mr. ROBINSON. I have already made some comment on this amendment. Under the information furnished the Senate there appears to be no justification whatever for it. These articles are of common use, and the rate of 50 per cent ad valorem is excessive. I therefore move to strike out "50" and insert "25."

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The next amendment of the committee was, on page 39, line 11, to strike out "28" and insert in lieu thereof "50," so as to read:

That none of the above articles shall pay a less rate of duty than 50 per cent ad valorem.

Mr. ROBINSON. I understand that the Senator from New Mexico [Mr. JONES] is interested in this amendment.

Mr. JONES of New Mexico. That paragraph, together with some succeeding paragraphs, went over last night.

Mr. SMOOT. Does the Senator want to return to paragraph 212, providing duties on earthenware and crockery?

Mr. JONES of New Mexico. I was going to suggest that we return to paragraph 212.

Mr. SMOOT. I ask that we go back to paragraph 212.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JONES of New Mexico. Mr. President, in paragraphs 212 and 213, relating to earthenware and chinaware, there is quite an increase in the duty. I understand that the Senator from New Jersey [Mr. FRELINGHUYSEN] is prepared to give data which he believes will justify this increase in the rate of duty on the articles mentioned in those paragraphs. They relate to earthenware and chinaware, something in use in every home in the land. The increase is very material, and the commodities are produced very largely in the State of New Jersey. I am sure the Senator from New Jersey would like to have something to say in justification of what the committee proposes.

Mr. McCUMBER. Mr. President, before we proceed to that I want to ask the Senator from Arkansas if we can agree, without any debate on it, to reconsider the vote by which the committee amendment in line 7, page 238, was agreed to.

Mr. ROBINSON. That is agreeable to me.

Mr. McCUMBER. I ask that the amendment in paragraph 215, page 38, line 7, where the committee proposed to strike out "35" and insert in lieu thereof "50" as the duty on magnesia clay supporters, be disagreed to.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which that amendment was agreed to? The Chair hears none, and it is reconsidered.

Mr. McCUMBER. I ask for a vote on the matter now, and request that the Senate disagree to the committee amendment.

Mr. ROBINSON. I shall support the motion which the Senator from North Dakota now makes. As I stated a few moments ago, I do not believe the higher rate provided by the committee amendment is justified by any facts which appear in the record.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. McCUMBER. Now, I ask that we return to page 36, paragraph 212.

The VICE PRESIDENT. Without objection, the consideration of that paragraph will be resumed.

The amendments of the Committee on Finance to paragraph 212 were, on page 36, line 8, before the word "plain" where it occurs the first time, to strike out "if"; in line 12, before the words "per cent," to strike out the figures "25" and to insert "45"; in the same line, before the word "painted," to strike out "if"; in line 13, after the word "printed," to strike out "or ornamented" and to insert "ornamented," and at the beginning of line 16, before the words "per cent," to strike out "28" and insert "50," so as to make the paragraph read:

PAR. 212. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or

without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 45 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for, 50 per cent ad valorem.

Mr. FRELINGHUYSEN. Mr. President, it is true that the pottery industry is a large industry in my State, but it is not confined to my State alone. It extends into Ohio, West Virginia, New York, and other States, and has grown to very large proportions.

Paragraphs 212 and 213 are both related more or less to the entire pottery industry, and at the present time, owing to the low labor costs and low exchanges in Germany and Czechoslovakia, as well as to the low wages in Japan, the customhouse invoices show that it is necessary to have the duties laid in these paragraphs. The information on this subject is all contained in an analysis made by customhouse appraisers, which I will submit later.

As I understand it, the Senator from New Mexico has very little or no pottery industry in his State. But I understand he has been making a study of these two schedules, and I am anxious to get his views. The committee have very carefully examined comparable prices in the competitive countries, and feel that these rates should be imposed, and that they are fairly adequate.

We submit these paragraphs to the Senate, and I should like to hear the Senator's views as to why he thinks the rates are too high or too low. The industry in New Jersey thinks that they are too low, but I should like to hear from the Senator, in view of the study he has made, and therefore I give way to him.

Mr. JONES of New Mexico. Mr. President, the remarks of the Senator from New Jersey are in keeping with what is evidently the settled purpose of the majority of this body, especially the majority of the Finance Committee. From the time we started into an investigation of this bill there evidently has been a deliberate purpose to prevent an investigation of these items.

I believe at this time I shall call attention to what appears to be the spirit prevailing in this Chamber. This morning's Washington Post, in its principal editorial, criticized the Senate for its course upon this bill. It criticized both sides of the Chamber. The editorial reads, in part:

> The situation in the Senate at this moment constitutes an indictment of the good sense of the Republican Party. At this moment, when Congress is under the fire of criticism and the record of the Republican Party is under scrutiny, when millions of voters are making up their minds on the evidence presented, the Republicans of the Senate are making a record of absenteeism and neglect of public business that will surely return to plague them.
>
> The tariff bill is before the Senate. It should either be passed or defeated. The debate upon the measure is half-hearted on the part of the Republicans and of a filibustering character on the part of Democrats.

Mr. President, I think it is quite true that the debate on this bill, so far as the Republicans are concerned, is half-hearted. Apparently no one on the other side of the Chamber is willing to get up voluntarily and defend the bill or any of the items in it. So far as the filibustering is concerned, I deny it. We have been trying to bring out the facts regarding this bill, and that they should be brought out is demonstrated by what has occurred here time and again.

In paragraph 210 of this bill, a paragraph which relates to the cheapest kind of pottery, the cheapest kind of tableware, the Finance Committee has brought in a recommendation of rates about twice as high as the rates under existing law. There was not only no justification for it, but the committee itself finally receded from what it did and went back practically to the rates under existing law.

I want to call attention to that particular item because it is in connection with the subject which we are to discuss tonight. It is a paragraph of this bill which relates to a tax upon common earthenware, the commonest kind of tableware. They increased the present rate by 100 per cent, and yet no one came on this floor to justify what they had done.

Not only was there no justification for it, but the evidence before the committee itself, from the witnesses in the industry, from one side of this country to the other, in their deliberate testimony upon an investigation of the Tariff Commission, showed that they did not want any increase in these duties.

That testimony was before the committee. It came from a source on which the committee relies, or pretends to rely generally in the framing of this bill. Regarding that part of the industry, I read from page 20 of the Tariff Commission's report on this pottery industry. This gives a summary of what was said by the witnesses, who were manufacturers of the items included in paragraph 210.

The manufacturers of jars, jugs, stone churns, and flower pots of Louisville said there was no competition from imported ware.

Peters, Zanesville, manufacturers of flower pots, jardinieres, vases, fern pots, window boxes, and hanging baskets, said, "We do not know of imported ware in direct competition."

Lowry, Roseville, Ohio, manufacturers of baking and pudding pans, cooking kettles, coffee pots, meat roasters, and pie pans, said they did not know of any competition.

From Evansville, Ind., stoneware food containers and household specialties, nothing imported competitive.

From a manufacturer of stoneware jars, jugs, fruit jars, water filters, chambers, filling pots, and Indian vases the witnesses said there was no competition. Then, from Fort Worth, Tex., stoneware generally, they said: "We do not know of any imported goods sold in competition with our line."

So on through that line under paragraph 210, and, notwithstanding the evidence before the committee, the committee brought in here an increase of 100 per cent in the duty. That shows the credence which we should give to a mere suggestion of the committee. But the Senator from New Jersey wants to content himself with saying that the committee has considered this thing, that the committee has recommended these rates. I submit that no Senator has any right, under the evidence which has appeared heretofore in the consideration of the bill, to put any reliance upon what the committee recommends, but that we should have some reason, we should have some facts here, to justify the proceedings.

They talk about the Democrats filibustering against the bill, but I deny it. We are simply trying to bring out the facts, and I submit that the Senator from New Jersey has no right simply to say that the committee has recommended these rates, and therefore they should be adopted.

Not only is what I have said true regarding paragraph 210, where the committee receded from its action in compliance with all the testimony where it had acted in raising the rates by 100 per cent without any facts to justify them, but that has occurred in many instances in the bill. We can not support these rates by the facts, and I submit that the Senator from New Jersey is begging the question when he undertakes to come before us and say that simply because the committee recommended these things they should be adopted.

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from New Jersey?

Mr. JONES of New Mexico. I yield.

Mr. FRELINGHUYSEN. I will say to the distinguished Senator from New Mexico that section 210 has been passed. The debate is on section 212, and I had hoped we could in a friendly way debate that paragraph, with paragraph 213, and get through. I should like to have the Senator point out wherein he believes the rates in paragraph 212 are not appropriate. He has been studying them, and I think possibly he should point that out, he being a member of the committee.

Mr. JONES of New Mexico. Yes; I am a member of the committee, but the distinguished Senator from New Jersey knows that these rates were not put here by the committee as a whole. He knows that they were framed in secret session by the Republican members of the committee and that the Democratic members of the committee had nothing to do with them. We do not know the reasoning which actuated the majority of the Finance Committee in framing the rates.

I submit that this is a pitiable spectacle. Here is an attempt to increase the taxes upon necessary articles that go into every home in the land, and the committee undertakes to impose this duty without even a suggestion of a reason for it. I submit, Mr. President, that they who will use the great taxing power of the Government, who will put a burden upon the people of the land that will affect every household in the land, ought at least to give some kind of an excuse, if not a reason.

Mr. President, I believe that the evidence in the case will not justify what has been done. In the first place, if the Senator from New Jersey will only consider the testimony which was submitted to the Ways and Means Committee of the House and to the Finance Committee of the Senate he will find that the rates proposed by the committee are higher than those engaged in the industry asked. I suppose that somebody made a request of the Finance Committee to put these duties where they are, but it so happens in this case that the leader in the industry did not request duties as high as the Finance Committee proposes.

There are two paragraphs here, paragraph 212 and paragraph 213. Paragraph 212 relates to nonvitreous, nonabsorbent earthenware product.

Paragraph 213 relates more especially to chinaware and porcelain. On the proposition of paragraph 212, I desire to read a little of the testimony bearing upon the question to show on what flimsy grounds the majority members of the Finance Committee would recommend this increase of taxation. Under paragraph 212 the rates will be increased about 50 per cent and under paragraph 213 not quite so much, but a very material increase. Under paragraph 213 the present rate on the undecorated ware is 50 per cent and on the decorated ware 55 per cent. Under the Payne-Aldrich law the rate on the undecorated ware was 55 per cent and on the decorated ware it was 60 per cent. The Finance Committee recommends 70 per cent, and this is the kind of testimony:

George C. Dyer, representing the Sanitary Potters' Association, of Trenton, N. J., in speaking of sanitary ware, shows us that the production of that ware in the United States was $27,000,000 per year, and that during five years there had only been imported $40,282 worth. There we have an annual production of $27,000,000 and a total importation for five years of $40,000, and the only excuse given by him as to why there should be an increase in duty was that some time prior to the war some firm in San Francisco made an offer to a firm in Japan for some of this sanitary ware. None of it is being imported now, and for five years there has been imported only $40,000 worth, while the annual production is $27,000,000.

Mr. STANLEY. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Kentucky.

Mr. STANLEY. Does not the Senator from New Mexico see the unspeakable outrage of permitting consumers in San Francisco to buy from Japan or somewhere else, when they can get the same thing at an exorbitant price from a trust as near to San Francisco as some town in New Jersey? Think of it. The market of San Francisco right at the door taken away from them. It is almost unbelievable.

Mr. JONES of New Mexico. I must confess that a great many people here are very much opposed to letting anything escape. That seems to be the purpose of the bill. Whenever there is a possibility of anything coming into this country from abroad, the Senator from New Jersey and the Senator from Idaho [Mr. GOODING], to whom we listened this afternoon, would at once raise the tariff barriers still higher. Their one object is to prevent absolutely anything from entering the borders of the United States of America.

The next witness in regard to this earthenware was Mr. Theodore Jones, representing the wholesalers of earthenware and china, of Boston, Mass. He submitted a brief and showed what the imports were of the entire schedule. I may say at this point that the chief imports under both these paragraphs are decorated tableware. But instead of increasing they have been decreasing, even the decorated ware. The proportion to the domestic production is comparatively large, but decorated ware is a new industry in the United States, comparatively, and that is a matter of taste more than anything else, to which I shall refer in more detail later.

Mr. FRELINGHUYSEN. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Did I understand the Senator to say that the imports of decorated and ornamented ware have decreased?

Mr. JONES of New Mexico. I do.

Mr. FRELINGHUYSEN. That is not my information.

Mr. JONES of New Mexico. I will explain that to the Senator before I get through. I will give him the figures on it. What the Senator has in mind is that in dollars the present importations are pretty large. They are nearly as large, if not quite as large, as before the war. But the evidence before the committee showed that foreign prices at the present time are 250 per cent of the pre-war prices, and while the amount of importations in dollars may appear large, the actual quantity importation is not more than one-half of what it was before the war.

Mr. FRELINGHUYSEN. Does the distinguished Senator from New Mexico realize the reason for that?

Mr. JONES of New Mexico. I was not undertaking to give any reason for it. I was stating the facts.

Mr. FRELINGHUYSEN. Is it not due to the fact that in some of those countries they have an export price over the domestic selling price, and that the selling price in the American market is much higher than the selling price in the foreign country?

Mr. JONES of New Mexico. The Senator has in mind Germany.

Mr. STANLEY. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Kentucky.

Mr. STANLEY. It strikes me, if that be the case, that is a better reason why it is not necessary to impose an exorbitant duty. Senators must be intellectually sincere. I will not say honest, but they must not blow hot and cold. One Senator gets up and says we have got to put this duty on to prevent dumping, the crime of selling for less abroad than at home. Another Senator gets up and says we have got to put the duty on because they are not dumping, that they are charging more for goods which are sold abroad than those which are sold at home. One or the other of the reasons is bound to be a bad reason; both of them may be bad, but both of them can not possibly be good.

Mr. JONES of New Mexico. Mr. President, I have heard from the other side of the Chamber time and again reference to the situation in Germany, and it looks to me as if this bill were framed solely against Germany.

I hear "Germany" every day and in connection with almost every item in the bill, and if there is anything imported from Germany at all in connection with a schedule or coming under a schedule we are at once frightened by the ghost of Germany.

Mr. FRELINGHUYSEN. Mr. President——

Mr. JONES of New Mexico. I want to say to the Senator that now, three and one-half years after the war, Germany is not sending to this country anything like the quantity of these wares she was sending prior to the war. There is no excuse for becoming frightened at Germany.

Mr. FRELINGHUYSEN. Mr. President, I should like to ask the distinguished Senator whether he has made an investigation as to prices in Japan, Czechoslovakia, and France?

Mr. JONES of New Mexico. Mr. President, I have those prices; I have made an investigation of them; and I will say to the Senator that the evidence which the Senator himself had shows that the comparable chinaware from Japan is selling in this market to-day 25 per cent above the selling price of the domestic product, and that as to other wares from Germany, Czechoslovakia, and other countries there can not be found a single article of decorated chinaware which has come to this country from England, France, Germany, Czechoslovakia, or Japan but is selling in this market to-day practically above the selling price of the domestic article. Senators on the other side were told that by the Tariff Commission, on which they should rely, even if they do not.

Mr. President, the Senator from New Jersey is frightened at Germany. I want to call attention to the fact that under the heading of earthen, stone, china ware, parian, porcelain, and bisque, not decorated or ornamented, imports are given in a very recent compilation of our foreign trade by the Department of Commerce. It includes the year 1913 and the calendar years from 1918 to 1921, inclusive. I find in looking at that compilation that as to Germany in 1913 the kind of ware which I have described was imported to the extent of $508,001, and that in 1921 the importations only amounted to $306,000—only about one-half. As I said a while ago, the price is 250 per cent of the pre-war price. The same thing is true of the decorated ware from Germany. Prior to the war, in 1913, Germany exported to the United States $3,235,517 worth, but in 1921 she exported only $1,902,329 worth; and yet Senators on the other side of the Chamber talk about this country being flooded with importations from Germany.

If Germany has all this cheap labor and cheap power and cheap material, and the prices are higher in this country, why does not Germany send the wares over here and get paid for them in our gold at the prevailing high prices? Senators may talk about the difference in exchange or other conditions, but the proof of the pudding is in the eating. If Germany can do these things, why, three and one-half years after the war, is she do doing them?

So with everything else which is discussed in connection with Germany. Last year the imports from Germany into the United States amounted only to about $90,000,000. Our exports to Germany amounted to nearly $400,000,000. If Germany can do these things, why is she not doing them? That, however, is the ghost which rises here every time any of the paragraphs is mentioned. We are told how cheap labor is in Germany; we are told about the low gold value of the German mark. Senators on the other side talk about all these things, about what Germany theoretically may do; but Germany is not doing them and it is now three and a half years since the close of the war. When is Germany going to do them? Is that what Senators on the other side want the people of this country to understand—

that under these facts they are now engaged in passing into law the highest tariff bill ever known to this country and that they are doing it because over in Germany there is a depreciated mark and cheap labor? Whatever the facts may be as to that, they are not interfering with the United States market, and every bit of German decorated ware which is coming into the United States is selling to-day in the American market for a higher price than is the comparable domestic article.

Mr. President, I desire to read just a little from the testimony of Mr. W. E. Wells, of Newell, W. Va., representing the United States Potters' Association. He was asked by Mr. GREEN:

Has the price of china advanced in the last year?
Mr. WELLS. About 15 per cent in a year, I should say.
Mr. TREADWAY. How much in three years?
Mr. WELLS. One hundred and eleven per cent is what our records show in our factories.
Mr. TREADWAY. I think my records would confirm that—what I have had to pay.
Mr. GREEN. The reason I asked you that question was that one of the importers who testified here said that the reason that the imports from China and Japan in the 10 months ending October 20 had more than doubled was largely owing to the increase of price.
Mr. WELLS. Both the foreign and American prices have increased considerably in the last year.
Mr. GREEN. The imports were about two and one-half.
Mr. WELLS. That is right, within one year. I think that is from 1914 until now.
Mr. GREEN. You misunderstood me. I am speaking of the increase in value in Japan for the 10 months ending in October. There would be about a million and a half imported in 1919, the 10 months ending October, 1919, and $1,300,000 worth imported in the 10 months ending October, 1920.
Mr. WELLS. I have not, of course, undertaken to cover the entire ground, but there is just this I want to say, that we are having no demand now for our goods. We have had more cancellations in the last three months than we have taken new business. But the American potters were so far behind that we are still busily employing all our people on orders that have remained with us 6, 8, 10, and 12 months.
Mr. OLDFIELD. Are you reducing wages?
Mr. WELLS. We have not.

* * * * * * *

The CHAIRMAN. What rates do you recommend?
Mr. WELLS. I make a recommendation that the Payne rate be restored, and until Germany and Austria get back into that market it will be sufficient to protect us, at least against England and France. They have always been honorable competitors. We have divided up this market without quarreling.

There, Mr. President, was the representative of the potters' association, who said that the Payne-Aldrich rate would be sufficient; but the highest rate under the Payne-Aldrich law was 60 per cent, while the committee comes here with a recommendation of 70 per cent—10 per cent higher than the rate for which the president of the potters' association asked.

Mr. President, I think we may very well examine this question for the purpose of ascertaining whether or not there is any justification for any increase over the present rate. Mark you, there are three paragraphs in this bill which relate to the pottery industry; in fact, four, including a blanket clause, to which I shall refer later on. The industry must be considered as a whole because it is not figured out by any of these interests as to what the different articles of ware cost. That fact is not known. When they burn a kiln of the wares it may contain different kinds of articles. They will, perhaps, burn a kiln to one stage and ultimately secure different kinds of finished wares. They may put some of it into another kiln and burn that to another stage and secure another finish or another glaze, and then have it decorated, and then burn it again into a different kind of ware. So it is not possible to tell what is the cost of the different kinds of ware. We do not know.

The information is not furnished; but there is one thing we can do: We can examine the industry as a whole and see whether or not the industry is suffering, and from that we can tell whether or not existing duties are sufficient, whether or not the trade is being swamped with importations from other countries. These facts we can ascertain. They are in this record. They come from official sources, and I submit that they have all been ignored by the majority of the Finance Committee—either ignored or else treated with contempt.

Mr. President, in the first place, just as an indication of the prosperity of the industry, I have here a list of the income-tax returns for this industry for the pre-war period, 1911, 1912, and 1913. It shows the invested capital, net income, gross sales, and cost of goods reported in corporation returns for pre-war period 1911, 1912, and 1913, and 1918, 1919, and 1920. Here is what we gather from it:

That in the years 1911, 1912, and 1913 all these concerns had an average net income on their invested capital of 11.12 per cent; in 1918 of 25.59 per cent; in 1919 of 24.3 per cent; and in 1920 of 32.76 per cent.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from New Mexico yield to the Senator from New Jersey?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. FRELINGHUYSEN. From what authority is the Senator reading?

Mr. JONES of New Mexico. I am reading from a certified statement from the Treasury Department of the United States.

Mr. FRELINGHUYSEN. What is the nature of it?

Mr. JONES of New Mexico. It is just what I said in the beginning.

Mr. FRELINGHUYSEN. Does the Treasury Department issue statements on incomes of companies?

Mr. JONES of New Mexico. This sheet complies with the law on the subject, and the Senator from New Jersey has seen a great many of just such sheets. The names of the companies are not given here, but they are numbered.

Mr. FRELINGHUYSEN. Then the Senator is reading from the income-tax returns of certain companies engaged in the pottery industry. Is that true?

Mr. JONES of New Mexico. That is true.

Mr. FRELINGHUYSEN. May I ask the Senator how he can distinguish the companies that are engaged in manufacturing the product which is protected under these two paragraphs, 212 and 213? Is this return confined to those two items? Does the Senator claim that the return on the industries that are protected under these two items is 32 per cent, or does it not include all of the pottery industry?

I know the Senator wants to be fair——

Mr. JONES of New Mexico. I do want to be fair.

Mr. FRELINGHUYSEN. And I want, also, to have the figures accurate and identified properly. I should like to ask the Senator if he is sure that those returns cover the industries that are protected under these two items, or do they cover all of the pottery industry, the other industries, too?

Mr. JONES of New Mexico. Mr. President, if the Senator thinks such information as this is important, may I ask him, when he decided to increase the duty on these wares, whether he ascertained the financial condition of the companies that were producing these wares?

Mr. FRELINGHUYSEN. I have general information, and I have some specific information, too; but I am asking the Senator a question, and I am asking it in all fairness. The Senator has quoted certain figures coming from the Treasury Department—the income-tax returns, which I had supposed were privileged—but nevertheless he is offering for the record these returns, and he is claiming that for the year 1920, I think he stated, the average profits were 32 per cent. That is not my information on the industries covered in paragraphs 212 and 213, and I am asking him if he is sure that those returns cover the industries that are protected under these two paragraphs?

Mr. JONES of New Mexico. I will read just what it says:

Statistical division, income-tax unit. Manufacturers of chinaware and earthenware.

That is the heading.

Mr. FRELINGHUYSEN. Then it does. The Senator claims that it does cover them?

Mr. JONES of New Mexico. That is what it says on its face.

Mr. FRELINGHUYSEN. Is it for 1920?

Mr. JONES of New Mexico. 1920.

Mr. FRELINGHUYSEN. Has the Senator the 1921 figures?

Mr. JONES of New Mexico. No; they are not out yet, as the Senator must know.

Mr. FRELINGHUYSEN. As I understand the 1921 figures, the reports have been made by the companies and the profits are very much less this year, and I understand that in 1920 they do not show an average profit of 32 per cent.

Mr. JONES of New Mexico. Mr. President, if they are less for 1921, it is not because of any importation, because the goods have not been coming in here. It must be attributed to some other cause.

Mr. FRELINGHUYSEN. Mr. President, I am informed that in 1921, in the case of one of the oldest and one of the largest companies engaged in the manufacture of chinaware, the average profit was only 9.6 per cent; and I understand that in 1921 the profits on the china and earthen ware did not run much over 10 per cent.

Mr. JONES of New Mexico. Mr. President, all I know about their earnings is derived from this income-tax report, which gives the earnings for 1911, 1912, and 1913, the three pre-war years, as well as for 1918, 1919, and 1920; and I will give the Senator some figures which are at least corroborative of that regarding some other years. We are trying to find out, in the first place, whether or not this industry is poverty stricken, and, in the next place, what caused it if it is. So far as I have been able to get any information, it is not poverty stricken, in the first place, and we will find out before we get through that their business has not been interfered with by any importations of earthenware or chinaware.

Mr. President, I have here another statement regarding the pottery industry which comes from the Census Bureau. The Bureau of the Census makes an examination of these manufacturing industries once each five years. We have the data regarding the pottery industry for the year 1914 and the year 1919, and from that we get a good deal of information. It is true that the year 1919 was just after the war; it was a prosperous year; but we have the figures for the year 1914 also. It will be recalled that during the war the pottery industry was somewhat restricted in its output; that it was necessary for the Government to conserve fuel, and so its business was somewhat handicapped during the war, and that handicap extended even beyond the war, and the industry was not unduly built up by reason of the war.

Here is what we find from an examination of those two census reports, the one for 1914, the other for 1919:

The capital stock of the concerns engaged in that industry in 1914 was $44,704,081.

In 1919 the capital stock had increased to $66,757,970, and my information is that that increase in capital from $44,000,000 to $66,000,000 was made up from surplus earnings in the business during the five years.

In 1914 the value of the product turned out by these potteries was $36,942,666.

In 1919 it was $77,000,000, in round numbers.

We have here the cost of manufacture.

Mr. FRELINGHUYSEN. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. FRELINGHUYSEN. Does not that include articles that are in other schedules?

Mr. JONES of New Mexico. Yes; Mr. President, this includes the entire pottery industry.

Mr. FRELINGHUYSEN. The Senator speaks of $77,000,000 as being the entire income.

Mr. JONES of New Mexico. No; that is the value of the product turned out.

Mr. FRELINGHUYSEN. But $36,000,000, as I am informed, is represented in these two paragraphs.

Mr. JONES of New Mexico. I do not so understand.

Mr. FRELINGHUYSEN. May I ask the Senator another question, in order that it may go in the record? I presume he submits these figures for the record.

Mr. JONES of New Mexico. I did not know whether I would burden the record with them or not.

Mr. FRELINGHUYSEN. I should like to ask the Senator whether, in the net income on capital invested of 32.76 per cent, the taxes are deducted, and whether he claims that that is net profit or net income?

Mr. JONES of New Mexico. Mr. President, I assume that the taxes are not deducted, because those figures are evidently the items on which the tax is calculated.

Mr. FRELINGHUYSEN. Then the Senator's claim is that the net income from the business is 32 per cent, and that is not net earnings, and he does not know what the net earnings are, what the percentage of earnings is on the capital?

Mr. JONES of New Mexico. Mr. President, if the Senator is simply figuring on some basis for deducting income taxes, I will give it to him in the paragraph which I am going to read.

Mr. FRELINGHUYSEN. I am asking the Senator what he considers the net return for dividend purposes, the net earnings on the capital invested in the pottery business under the figures he has presented to the Senate.

Mr. JONES of New Mexico. It would be the amount I gave, less the income tax, whatever it was.

Mr. FRELINGHUYSEN. Of course, there is interest on bonds and mortgages and other fixed charges which probably are not deducted.

Mr. JONES of New Mexico. That is the return upon the invested capital as defined in the revenue law of the country, and any manufacturer will understand what that means.

Mr. FRELINGHUYSEN. Then, if the corporation tax was 20 per cent in that year the net income would be 16 per cent instead of 32 per cent.

Mr. JONES of New Mexico. Yes; but the corporation tax is never anything like that, as the Senator very well knows.

Mr. FRELINGHUYSEN. The corporation tax and other expenses I should have said. I presume the interest on bonds is not deducted from that.

Mr. JONES of New Mexico. Certainly it is. That is the net income. The Senator knows these concerns are authorized to deduct the interest on their bonded indebtedness.

Mr. FRELINGHUYSEN. Then, the corporation tax being 10 per cent——

Mr. JONES of New Mexico. But the corporation tax is not 10 per cent.

Mr. FRELINGHUYSEN. What is it?

Mr. SMOOT. It is 10 per cent.

Mr. JONES of New Mexico. No; it is not.

Mr. FRELINGHUYSEN. Was not the corporation tax 10 per cent?

Mr. JONES of New Mexico. The Senator speaks of the income tax now. I beg the pardon of the Senator from Utah. We were thinking of different things. It is true that the income tax is 10 per cent of the net earnings, but it is not 10 per cent in a way to reduce that 32 per cent to 22 per cent. It is 10 per cent of the total amount of the net earnings.

Now, let us look into this question a little further. If the Senator has any definite information that these figures for 1914 relate only to the manufacture of articles coming within paragraphs 212 and 213, I should like to have him give the authority for the statement. That is not my information. My information is that these figures relate to the whole industry, as shown by the report of the Department of Commerce on the subject. If I am wrong about it, of course I want to be corrected.

Mr. FRELINGHUYSEN. Does the Senator claim that the industry is covered under these two items, paragraphs 212 and 213?

Mr. JONES of New Mexico. What I claim is that the whole pottery industry is covered here for both years, 1914 and 1919. The Senator from New Jersey stated a while ago that the figures I have for 1914 relate only to the two paragraphs of the bill. My information is otherwise.

Mr. FRELINGHUYSEN. What does the Senator claim the total income for 1914 to have been?

Mr. JONES of New Mexico. The net profit of the industry that year was $5,224,237.

Mr. FRELINGHUYSEN. I mean the total production.

Mr. JONES of New Mexico. The total production amounted to $36,942,606.

Mr. FRELINGHUYSEN. The Senator, of course, is including in those figures practically $20,000,000 of production that is not contained in these paragraphs?

Mr. JONES of New Mexico. I said in the beginning that you could not segregate the costs under one paragraph from the costs under another; that you have to take into consideration the entire pottery industry.

Mr. FRELINGHUYSEN. I claim that you can segregate the figures as to production, and I have them segregated. If the Senator wants the figures, I will give them to him.

Mr. JONES of New Mexico. I am now using some official data furnished us by the Bureau of the Census, for whatever it is worth. There are other figures, of course, as to the amount of the production of the different kinds of commodities, but they are not brought together in this form. I am using these figures for what they are worth, for the purpose of showing that the pottery industry of this country is not in dire distress; that it is not something which ought to be put upon the charity of the country; that it is not something for which there should be a special tax levied upon every human being in this country. It is a profiteering industry, and the last year for which we have any information it profiteered beyond all other years. At the height of its profiteering, the Finance Committee comes in and wants to increase the taxation on the country for the benefit of this industry and increase the rate beyond what the high officials of the companies themselves say they want.

Mr. FRELINGHUYSEN. The Senator has not shown that this industry is a profiteering industry. I know the conditions of the pottery industry in my State, and I know that their profits are not large. The Senator has presented figures showing a net income of 32 per cent in one of the most prosperous years the industry has ever known.

Mr. JONES of New Mexico. Mr. President, I decline to yield further. I kindly invited the Senator from New Jersey to present his case first. I supposed he knew what he was doing. I supposed he had evidence which would justify these rates. He declined to present it, and now he is undertaking to say that he knows the facts about the matter. Does he want us to understand that the majority of the Finance Committee makes these recommendations simply because of what the Senator from New Jersey knows? What he knows is not evidence in this case.

Mr. FRELINGHUYSEN. If the Senator will not yield, of course I can not reply to him.

Mr. JONES of New Mexico. I prefer not to yield at this time, but I hope that before we get through the Senator from New Jersey will present some evidence at least to furnish a reasonable excuse for what the majority of the Finance Committee proposes. I have been unable to find it in the record in this case. I will not decline to yield for a question or any short

explanation. I shall be very glad to have any questions from the Senator from New Jersey, or any other Senator.

Here is what we have concerning the business of this industry in 1914. I will read the round figures. Capital, $44,000,000; value of product, $36,000,000; cost of material and freight, $9,000,000; rent of power and cost of fuel, $2,750,000; rent of factory, $42,564; Federal tax and State tax, $271,562; total cost, excluding salaries and wages, $12,345,000; profits before deducting salaries and wages, $24,596,000.

Then we have given the distribution of the salaries and wages. The salaries of the officers amounted to $1,662,061. The salaries of superintendents and managers are included in that sum, amounting to 6.6 per cent of the total income of the concern. They paid to clerks, stenographers, salesmen, and so forth, $1,084,000; to wage earners, $16,666,000. Net profits, $5,224,000.

That was in 1914. In 1919 the capital had been increased to more than $66,000,000, and, as I am advised, without the investment of a dollar, representing an accumulation of surplus. The value of the product was $77,000,000. The cost of the material and freight was $15,000,000. The rent of power and cost of fuel amounted to $5,000,000. The rent of the factory was $162,000. The Federal tax was $2,220,000, and the State tax $457,000. The total cost, excluding salaries and wages, was $23,000,000. The profits, before deducting the salaries and wages, were $51,000,000.

Now as to the distribution. The salaries of officers, not including superintendents, managers, and so forth, were $2,095,432. Back in 1914 the salaries of officers, superintendents, and managers, all combined, amounted to $1,600,000, but in 1919 the salaries of officers alone amounted to over $2,000,000, and of the superintendents $1,833,665, making a total in 1919 paid as salaries of officers, superintendents, and managers of $3,929,097, nearly $4,000,000. In 1914 those officers and superintendents received only $1,622,000, an increase of more than $2,000,000 per annum for the officers, superintendents, and managers.

Now I give another significant item. They increase the wages and this is what happened. In 1914 there were 26,705 wage earners. They received $16,666,330, which was 67.8 per cent of the value of the product. This is the one industry which has, I believe, the highest labor cost of any of the industries, and that is why it has in the past appealed for a high protection upon this industry; but now, when the industry prospers, what happens? Do they give the benefit of that increase in prosperity to these laboring men? In 1914, when the pottery industry was only reasonably prospering, the wage earners received 67.8 per cent, but in 1919, when these officers and superintendents were receiving these extraordinary salaries, the wage earners received only 58.3 per cent of the value of the product.

Another thing, Mr. President. The net profits of these concerns in 1919, before taxes paid, were $17,682,030, which amounted to just about 24 per cent on their invested capital. That 24 per cent was profit, after paying for material, after paying rent and fuel, wages and salaries. Seventeen million dollars and more of profit, 24 per cent! That was in 1919. That was just after the war. But from the official reports as to the income tax return in 1920 their net earnings subject to taxation for income purposes had increased more than 32 per cent, and no one will believe that they padded their returns for taxation purposes.

Mr. President, that is some additional evidence as to the prosperity of these concerns. As I said in the beginning of my remarks, we can not tell what is the cost of a set of dishes, we can not tell what is the cost of a certain design of sanitary ware. It is in the pottery industry, and we can only tell whether it needs protection or not by considering two things: First, whether the concern is prosperous or not, and, second, whether the American market is being flooded with imports or not. I have given this evidence as to the prosperity of the concern. I expect now to take up the question of the importations, the character of the business, where the competition comes in, and to look at the economic surroundings of the industry.

Mr. President, it is now after 10 o'clock, and I understand that it is not designed to continue the session much longer. If agreeable to all parties, I shall be glad to yield the floor for the evening and resume at this point to-morrow morning.

HOUSE BILL REFERRED.

The bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, was read twice by its title and referred to the Committee on Banking and Currency.

ADDRESS BY THE VICE PRESIDENT.

Mr. RAWSON. Mr. President, I ask unanimous consent that an address delivered by the Vice President before the General Board of Education of the Presbyterian Church at Des Moines, Iowa, May 21, 1922, may be printed in the RECORD in the regular type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

At Des Moines, Iowa, at 8 o'clock p. m., Sunday, May 21, 1922, before the General Board of Education of the Presbyterian Church, Vice President Calvin Coolidge spoke as follows:

This is a convocation representative of the hope of the world. Each morning brings us news of discontent, of sullen disagreements between those charged with different obligations in industry, of organized crime and violence in our own land, and of disordered and threatening conditions abroad. This council meets with the determination not to treat the apparent symptoms of the hour, but to remove fundamental causes. It seeks redress for all wrong not by force of arms which might triumph for a day, but by a force of ideals which will be supreme for all time. It appeals from the things which are temporal to the things which are eternal. Casting aside all else it reasserts its reliance in the ancient faith of mankind.

This is a truly American purpose completely in harmony with revealed destiny. This is a new land. It is the expression of a new life. We do not deny our obligation to the teaching of the Old World. It was from that source that we derived our civilization. It was there that the modern world made those beginnings which have come into the strength of full maturity in American institutions. We do not fail to profit by it. But we have lived by something more. We have aspired to something higher.

We do not know where civilization began. As far back as the genius of man has been able to pierce the veil of the past, he beholds an enlightened people. Not one just rising out of savagery, but a people already risen. Nor yet a people who have originated their own civilization, but always one which acknowledges that it was derived from others. But wherever civilization appears we find it has one common characteristic. It gathers around the altar, the tabernacle, the pulpit, in obedience to religious rites. It is not waiting for the results of evolution, but seeking the guide of inspiration.

We can recall the names and the times of the nations which have arisen and for a period held dominion over the affairs of the world. Civilization has flourished under different designations and dates, but always around the same central thought. We can read of it and study it in the well-preserved records of ancient Babylon. We can see a people acknowledging again its force in the art, the poetry, and the philosophy of Greece. We can see it putting forth a new strength in the mighty organizing power of Rome. Babylon, Greece, and Rome fell, but civilization did not fall. It remained confined, but treasured, moving within narrow limits, but with none the less power, in the cloister, the monastery, and among the clergy, ready to inspire missionaries, to convert nations, and to reassert itself in the religious awakening and the revival of learning of the late Middle Ages.

It was then that America was revealed to a waiting world. Men had tried out the old forms of acknowledged human relationship. They had been brought into order under despotism. They had gained the idea of a king subject to the authority of law. They had seen the power of a parliamentary form of government to restrain absolute monarchy and preserve a certain amount of liberty. Men had dreamed and hoped for a completer freedom under the guaranties of a constitution and for self-government through legislative bodies which should be truly representative. But these final accomplishments were left to be the achievement of Americans, their contribution to the welfare of mankind, their glory in the records of history.

Through all this there has run the never-ceasing force of civilization. We do not know where it began, for we do not know where eternity began. Seeking for it in vain in any earthly source, men have always acknowledged that it has come from above. The soul of man always responds to it. There need be no fear that it will perish. The foundation for our faith is so abiding that all human hands raised against it will be without avail.

Civilization will endure. It will go forward. That is not the chief concern of mankind. It is an established fact. It is the great reality. The question which concerns the thought of the world is whether we shall endure; whether we shall carry forward civilization. Education is for the purpose of teaching men to know their true condition, to understand what freedom is and with what price it must be bought, and to comprehend the meaning of civilization.

The peculiar meaning of America is faith. Faith in the first place in an eternal purpose. Faith in the second place in mankind. There are those who doubt the stability of republican institutions. There are those who question the ability of a people long to maintain a democracy. There are those who are not

convinced that the world is making any real progress. They point to the rise and fall of nations, to the slender margin which exists between order and anarchy, and to the imperfections of government and society which everywhere abound. They point to the intelligence and enlightenment of the past. We know that Democritus had a conception of the modern atomic theory, that Empedocles crudely stated the doctrine of evolution, that the art, the literature, the high ideals, the native ability, the actual accomplishments of the ancients have not been, and so far as we can judge will not be exceeded in kind in any human experience. But it is not very disturbing to think that an eternal purpose had made some progress before yesterday. The promise of it is that what man has done, mankind can do. The progress of the race does not lie merely in the intelligence, philosophy, or the art of a few, but in their possession by the many, in their general acceptance. America lays no claim to the discovery of the theory of freedom, or self-government. Its glory lies in the ability of its people to put those theories into practice, not merely the power to state them, but the capacity to live up to them.

There can be no discussion of the basic theory of American institutions which does not lead to a statement of religious beliefs. Government is the attempt on the part of mankind to adjust themselves to their true relationship. The whole of history is strewn with efforts to build on the theory of class and caste, of superior and inferior, of master and slave.

The teachings of religion and the philosophy of thinking men both resisted this theory of human relationship. Men could not acknowledge the common bond of brotherhood, the common source of their being, and long resist the inevitable conclusion of a common equality of rights. But while such a conclusion might be acknowledged in theory, the custom and tradition of the Old World, the habits and long-established institutions of its people, made an almost impossible barrier to its realization. There were wide economic differences so manifest to the senses that it was almost impossible to discern the spiritual equalities. It was in the New World that these economic differences had a great tendency to disappear. Under the power which existed to have land merely for the taking, the old differences in possessions began to disappear and there was a sufficient reenforcement for the theory of equality and freedom to make their practical application possible. Under the stimulation of early eighteenth-century speculation about the theory of government and under the inspiration of the teachings of religion, men laid down and adopted those basic principles which are set out in our Declaration of Independence and established in our constitutions and laws. The inalienable right of man to life and liberty, and to be protected in the enjoyment of the rewards of his own industry, which are represented by his property, have been much thought on and much discussed since that day.

They all have their source in religion. The rights of man, as man, the dignity of the individual, find their justification in that source alone. Whenever its teachings were fully admitted the rest followed as a matter of course. It was religion that came first, then the establishment of free government. With these there came the opportunity for general education, for a broader service by the institutions of higher learning, which ushered in the age of science, resulting in the great material prosperity which went on increasing up to the outbreak of the Great War.

These were the institutions which Americans built up and supported out of their faith in an eternal purpose and out of their faith in mankind. No one would claim that they have yet been brought into perfection. No one would claim that the laws applicable to a wise and just administration of the more and more intricate relationships under which we live have yet all been discovered. No one would claim that there is, or yet can be, such an administration of laws, such an observance of constitutions, as to protect the individual absolutely in all his acknowledged rights. Men are finite. They are subject to the limitations of space and time. Invention and science are bringing them new powers, but everyone realizes that perfection lies far away in the distance.

But the fact that there is evil abroad, that there are those who are bent on wickedness and that their efforts oftentimes prevail, that there are limitations, is no reason for losing faith in the right. The fact that obligations may be disregarded, that pledges may be broken, is no reason for losing faith in honor and integrity. There are those who argue that if government has sometimes been a means of oppression, therefore government should be abolished; that if property has sometimes made its possessors selfish and cruel, therefore property should be abolished. They argue, perhaps unconsciously, that if power has been misused by some, power therefore should be abolished. The plain fact is that power can not be abolished, nor can government and property, which are a species of power. Wherever mankind exists these exist. Our only remedy is to regulate their used and strengthen the disposition to employ them all, not for oppression but for service.

This is but stating the condition into which mankind is born. This is but recognizing those restraints which are created by his very existence. We do not live in an imaginary life. We live in a real life. The individual may occasionally and temporarily secure an advantage for which he has made no return, but this is always impossible for society. Whatever it has it must create itself. It is an entire delusion to look for a state of freedom, a system of government, an economic organization, under which society can be relieved from the necessity of effort. To be the beneficiaries of civilization is not easy but hard. Those who promise an existence of ease are not raising mankind up; they are pulling them down. The greater freedom that men acquire the better government they maintain, the higher economic condition they reach the more difficult, the more laborious, must be their lot. It is not a life of ease that will ever attract men, but the possession of power which comes from achievement and the possession of character which is the result of sustained effort in well-being.

There are oftentimes very great misapprehensions over the apparent conflict between a desire for freedom and the authority of the Government. Perhaps the confusion arises in part from the perfectly correct assertion that we live under a free government. Our Government derives its power from the consent of the people. Its authority is their authority. They have established it. Its laws are made in accordance with the expression of their will. But it is none the less a government, and its authority is none the less abiding. In obeying it men do not surrender their liberty to it, but in establishing it they provide the only source and guaranty that there are for their liberty.

When the power of the Government ceases, or even when it be put in jeopardy, liberty ceases with it. Those who want their liberty to remain should support the Government as its only source and guaranty. It is only those who are willing to be pillaged, to see their property destroyed and their life endangered, who should withdraw their support from organized government. Liberty is purchased with liberty. There is no choice for those who desire liberty except to go on making such contributions, performing such services, and rendering such obedience to the Government as will be sufficient for its support.

There is a misapprehension which is very analogous in regard to our economic relationship. When our institutions were adopted the people were much nearer a plane of social and economic equality than they are at the present day. The population was for the most part rural and agricultural. They were employed in those occupations which could be conducted entirely by one individual. This gave the utmost freedom of action in relation to the privilege of the individual to pursue or change his occupation at will with little or no effect upon others. Gradually this condition has changed. The factory system has been adopted, with its attendant division of labor. Hours have been shortened, wages greatly increased, so that the returns from the effort expended have grown to be very much larger. But freedom of action has been very much diminished to secure this result, and the duty toward others has been very much emphasized. It has been stated that there must be something wrong when those who make cloth want for clothing and those who make shoes are not well shod. The answer to that specific complaint is that almost no individual makes shoes or cloth at the present time. They only perform one of the great number of processes in the making of shoes and cloth.

There is no individual in our modern industrial life who produces all the different articles which he uses. But by means of the division of labor, by means of organization, the aggregate of production has increased manyfold. There is much more property, much more wealth, much more comfort, and much more leisure, but a certain kind of independence is gone.

The new duties which this condition imposes have not yet been fully realized. Large bodies of men are trained to perform special tasks. Each body profits through the performance of the others. There is a tacit and implied understanding, a moral obligation, that each shall perform their part, because each receives the benefits which accrue from others doing their part. So long as the others perform their part of the common services which are required, there is a growing feeling that it is an economic wrong for one body to fail to perform its services. This is especially true in the so-called key industries, which furnish transportation, food, heat, light, water, and other prime necessities. Society has not yet discovered any adequate remedy for such a situation. Perhaps the most

suitable relief will result from an aroused public opinion, which will insist that when a condition of this kind arises our whole economic system shall not be thrown into disorder, but that some tribunal may be established with authority to ascertain the facts, fix the blame, and determine what is necessary to provide justice. However that may be, it is now perfectly apparent that to attain modern industrial power there has been an exchange of much of the freedom of the individual.

This modern industrial organization is analogous to the feudalism of the Middle Ages. Then the individual, in order that he might have security and the assurance of an adequate force to protect him from aggression or destruction, swore fealty to his lord. He became his man. He gave up his liberty for safety. The modern individual takes a pledge of fealty to his occupation, his brotherhood, his trade-union. He, too, surrenders a portion of his freedom of action in return for a certain protection and security. It was the influence of religion, acting through the avenue of public opinion, which broke the artificial condition of feudalism. It is to the same source, to the same power of human conscience, that we must look to purge away what is artificial and unreal in our modern industrial life, that there may be recognized the existence of a real equality and that a just honor may come to all through the performance of real service.

It does not seem probable that there lies within the power of legislation, the power of government action, any real remedy for these conditions. Public authority may investigate, it may advise, but the economic relationship is to such a great degree voluntary, and must be voluntary, that it can not be conducted under any coercive authority. Almost the whole effect of legislation up to the present time has been not to provide restraints but to enlarge the freedom of action. It has sought to prevent society from assuming any rigid form. It has discouraged all conditions which tend to create favored classes and special privileges. But the law alone can not establish standards; that must be done by the people themselves. If all honor is to be given to wealth and place, there is bound to be an unending clash of interests. But if service be made the standard; if men are judged not by what they have but by what they are; if they will cease putting all the emphasis on what they are going to get and more of it on what they ought to do; if they will refrain from giving their entire attention to the material side of life and live more in accord with their intellectual, social, and moral nature; if they will apply the teachings of religion, the discord and discontent will give place to harmony. No one has ever proposed any other practical remedy.

Another element, without which modern civilization could neither exist nor increase, is those accumulations resulting from the industry of the people, which we call capital. It very closely represents the dominion which man holds over nature. Without capital he falls back to the material and economic condition of the savage. With it he furnishes himself with transportation by land and sea, builds industrial plants with which to furnish the necessaries and conveniences of life, constructs buildings and public works, provides a store of merchandise, extends credit for the financing of agricultural and commercial operations, and builds up the surplus out of which to supply the needs of an enlarging population and to improve the condition of all the people by increasing their power of production. The want and distress of the people of the Old World at the present time result from the great destruction of capital which they have recently suffered. Their condition has an effect even here, but our own supply of capital, our own exemption from being required to make a like sacrifice, is the source of our comparatively great prosperity.

No one would claim that there have not been many abuses of the power which the possession of capital brings, but here again a suggestion of abolishing it is only a suggestion to destroy the power which supports the advance of civilization. The law can not always regulate it. It can do little toward supplying it. It is another of those requirements which must be met by the people themselves. Government supervision can help, but it can help only in conjunction with a righteous public sentiment and that determination which has its source in the religious convictions to use capital to promote the welfare of mankind.

But civilization has come to comprehend more than those domestic relationships which are represented in the political and economic life of a people. There is a relationship among nations toward which the world has recently been turning much thought and much attention.

This is a new avenue for the American mind to travel. Our natural seclusion, our predominance over all surrounding nations, our ancient traditional policy of refraining from all interference in the political affairs of others have all contributed to our disregard of any but our own local interests. The results of the last five years have projected us out into the world where, whether we will or no, we find that we have international duties to perform, both for the promotion of our own welfare, the protection of our own rights, and to discharge our obligations to humanity.

We have not sought to meet these requirements by diminishing our national spirit, but rather by increasing it. We have not been willing to compromise our independence, but have rather sought to strengthen it. At the same time we have recognized that as there comes an increased power for the promotion of our domestic welfare through the cooperation and organization of the individual, so there is created a more stable condition among nations and there comes a release from the necessity of defensive operations through mutual agreement and more cordial understandings. We have recently adopted the policy of seeking to prevent wars, not as in the past by a reliance upon great competitive armaments but by removing the causes of war through mutual adjustments and concessions based on the requirements of justice. For the first time in all history the great powers have agreed on a limitation of naval armaments. Not on their abolition, for the world must not be left defenseless against the power of evil, but on their immediate decrease and their future restriction. This was not accomplished by force or coercion, but under the leadership of America by an appeal to the awakened conscience of the world.

Through all these efforts of mankind to comply with the requirements of civilization there runs the Christian spirit of sacrifice. Men are discontented, they are engaged in industrial strife, they defy the Government at home and abroad because they refuse to make sacrifices which are sufficient to meet present world disorders.

Our Government is supported by sacrifice, by obedience to the authorized expression of the public will. Through that sacrifice men gain a greater power and a larger liberty. When an individual becomes a citizen, he takes on a new dignity, a higher nobility. Men reach their highest degree of economic prosperity through the same process. It is only through the devotion of their resources, their strength, and their intelligence to the organized effort of production for the benefit of others that they increase their own rewards. When the individual becomes a workman, he comes into the possession of a greater estate.

What is true of individuals has its counterpart in nations. No country ever remained great through war and pillage. Despotism always destroys itself. Imperialism always defeats itself. It is only when the nations respect the rights of each other by obedience to a common law, it is only when they toil and spin for each other and extend toward each other the hand of friendship and of charity, that they acquire a true sovereignty.

This is the American faith. It represents a higher and nobler conception of mankind than that which has been developed under any other institutions. Believing that the people have the power to respond to all the great obligations necessary to support our more and more intricate civilization, it has dared to call on them to respond. It has intrusted to them the keeping of their own welfare, convinced that, if self-government can not be maintained, then no government can be maintained. It has given them jurisdiction over their own property and over the property of each other in the knowledge that, if they can not protect property, then it can have no protection. The people have never wavered in their response to this high calling.

Those who came bearing this faith knew that the way to freedom lay through a knowledge of the truth. They put their reliance in religion and education. They established their church and then established their college. Always their purpose was to provide inspired and learned men to lead in the religious and political life of the community. They put their trust in piety. To them intelligence and disbelief would have been a contradiction in terms.

These were the men and the methods which laid the foundations of American institutions. If those institutions are to stand, they must rest on these foundations. There are, and can be, no others. When ways are clear, when skies are fair, no nation can travel far with no motive save an appeal to material gain. But when that fails, as it often does, there must be a reliance on higher ideals. The source of such ideals lies in religion and education. They do not fail. They are eternal.

There must be an increasing support for our higher institutions of learning. They are not the apex of our system of education; they are its base. All the people look up to their influence and their inspiration. They must be under the guidance of men of piety and men of an open mind. They must continue their indispensable service to the cause of freedom by bringing all the people unto a knowledge of the truth.

There must be an increasing reliance upon religion. It is the source of all faith. It is the evidence of the eternal purpose and of the true power, the true nobility of mankind. It gives a divine sanction to the authority of righteous government, to faithful service through economic relationship, and to the peaceful covenants of international understanding. It represents the only hope of the world, the only motive by which mankind can bear the burdens of civilization.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 10 o'clock and 10 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, May 25, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24 (legislative day of April 20), 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur H. Geissler to be envoy extraordinary and minister plenipotentiary to Guatemala.

DIRECTOR OF WAR FINANCE CORPORATION.

Dwight Davis to be Director of the War Finance Corporation for a term of four years.

APPRAISER OF MERCHANDISE.

George M. Jameson to be appraiser of merchandise, customs collection district No. 12, Pittsburgh, Pa.

UNITED STATES ATTORNEYS.

Thomas Williamson to be United States attorney, southern district of Illinois.

A. V. McLane to be United States attorney, middle district of Tennessee.

PROMOTIONS IN THE NAVY.

John D. Beuret to be chief constructor and Chief of the Bureau of Construction and Repair.

TO BE COMMANDERS.

Claude B. Mayo.
Henry K. Hewitt.
Felix X. Gygax.

TO BE LIEUTENANT COMMANDERS.

Ernest J. Blankenship.
Alfred Y. Lanphier.
Oliver M. Read, jr.

TO BE LIEUTENANTS.

John A. Terhune.
Leonard Doughty, jr.
Willis M. Percifield.
Carl K. Martin.

TO BE LIEUTENANTS (JUNIOR GRADE).

Willis M. Percifield.
John B. Cooke.
Julian B. Noble.
Charles E. Coney.
Alonzo B. Alexander.

TO BE MEDICAL INSPECTOR.

Charles E. Ryder.

TO BE PASSED ASSISTANT SURGEONS.

Frederic L. Conklin.
James Humbert.

TO BE PAYMASTERS.

Harry T. Sandlin.
Stanley M. Mathes.
John D. P. Hodapp.
Arthur H. Eddins.
Charles C. Copp.

TO BE PASSED ASSISTANT PAYMASTERS.

Charles G. Holland.
John O. Wood.
William A. Best.

TO BE NAVAL CONSTRUCTORS.

Walter W. Webster.
Beirne S. Bullard.
Ernest L. Patch.

TO BE CHIEF MACHINISTS.

George J. Blessing.
Bennett M. Proctor.
Chauncey R. Doll.
Carl S. Chapman.
Andrew C. Skinner.
John C. Richards.
William W. Wilkins.
Benjamin F. Maddox.
Frank W. Yurasko.
John J. Enders.

MARINE CORPS.

Richard M. Cutts to be colonel.
Harry G. Bartlett to be major.
Frank P. Snow to be first lieutenant.

POSTMASTERS.

CALIFORNIA.

Stella L. Vincent, Carmel.
Rexford E. Morton, Dyerville.

COLORADO.

Anna Bogue, Basalt.

GEORGIA.

Marion W. Hudson, Dallas.
Julius Peacock, Vidalia.

IOWA.

Oswell Z. Wellman, Arlington.
Homer G. Games, Calamus.
Raymond W. Ellis, Norwalk.

KANSAS.

Benson L. Mickel, Soldier.
Victor E. Green, De Ridder.
Charles DeBlieux, Natchitoches.

MARYLAND.

Hattie B. H. Moore, Marydel.
Ernest G. Willard, Poolesville.

MICHIGAN.

Selma O'Neill, Rockford.
Walter H. Nesbitt, Schoolcraft.
George K. Hoyt, Suttons Bay.

MINNESOTA.

Ernest W. Nobbs, Bellingham.
George P. Dickinson, Excelsior.

MISSOURI.

Nelle Tomlinson, Morley.
Philip G. Wild, Spickard.

NEBRASKA.

James E. Schoonover, Aurora.
Carroll C. Colbert, Wauneta.

NEW JERSEY.

Selina L. Caruth, East Paterson.
William J. Caswell, Washington.

NEW YORK.

M. Elizabeth Corey, Cutchogue.
Frank D. Gardner, De Ruyter.
John C. Jubin, Lake Placid Club.
John F. Joslin, Voorheesville.

OHIO.

Edgar L. Taylor, Crooksville.
Clara J. Mitchell, Mount Pleasant.
Leonidas A. Smith, Ridgeway.

RHODE ISLAND.

Jonathan Bateman, Manville.

SOUTH DAKOTA.

Robert C. Gibson, Geddes.
Theresa R. Zimmerman, Montrose.

TENNESSEE.

Clarence L. Shoffner, Shelbyville.

VIRGINIA.

Milton S. Roberts, Faber.
Jessie R. Haven, Greenwood.

WYOMING.

Ellen L. George, Superior.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 24, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O eternal God, in mute necessity our hearts go out after Thee. We make grateful mention of Thy goodness, we recall Thy boundless mercies, and we would meditate upon Thy providences. Thy love still passes all understanding and Thy riches are still unsearchable. Deepen in us the currents of reflection and give us wise insight into all problems of legislation. Elevate our whole natures and bring them to the highest point of efficiency. Work in us a splendid discontent and give us the reach of larger growth and broader attainment. Let the sun

of righteousness and peace fall upon the hills and the valleys of our country. May God's good angels brood above our hearthstones and fold all hearts in the calm and true embrace of love. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGES ACROSS ROCK RIVER AND FOX RIVER, ILL.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, in my district there are two bridges that have become dangerous, and new bridges must be built. The authorities there are now held up awaiting the consent of Congress to build those bridges. The bills have been reported by the Committee on Interstate and Foreign Commerce and approved by the War Department. The authorities are now waiting for this consent before they can build these bridges, so that it is an emergency case. I ask unanimous consent——

Mr. GARNER. Mr. Speaker, I do not know what the purpose of the gentleman is, but this side of the House can not hear a word of what he says. If his purpose is to inform the House, he is not doing so.

Mr. FULLER. Mr. Speaker, an emergency exists for the building of two bridges across so-called navigable streams in my district. They are not navigable. The authorities are now waiting before they let the contracts until they can obtain the consent of Congress. The bills have been approved by the War Department and favorably reported by the Committee on Interstate and Foreign Commerce. I ask unanimous consent for the present consideration of H. R. 11408 and H. R. 11409.

Mr. RAYBURN. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of two bills, H. R. 11408 and 11409. The Clerk will report the first one.

The Clerk read as follows:

A bill (H. R. 11408) granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton.

The SPEAKER. Is there objection?

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, what very urgent necessity is there at this time about the immediate passage of these bills?

Mr. FULLER. The present bridge has become dangerous and has been condemned. The authorities did not know that it was necessary to obtain the consent of Congress until they presented the plans to the State department of public works for approval. The matter is now held up, and they are unable to let the contract until they get the consent of Congress. It is an emergency case, and of pressing importance.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton, county of Winnebago, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Page 1, line 6, after the word "River," insert "at a point suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. FULLER. Mr. Speaker, I ask unanimous consent for the present consideration of the other bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill H. R. 11409, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11409) granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River on Main Street, in the said city of Ottawa, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable water," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 5, after the word "Illinois," insert "their successors and assigns."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "on" and insert "at a point suitable to the interests of navigation at or near."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 1, strike out the word "water" and insert in lieu thereof the word "waters."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the last two votes was laid on the table.

BUSINESS FROM THE COMMITTEE ON AGRICULTURE.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 352 (Rept. No. 1028).

Resolved, That upon the adoption of this resolution the Committee on Agriculture shall have three legislative days prior to June 10, 1922, for the consideration of bills reported by that committee now on the House or Union calendars, this rule not to interfere with privileged business.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Cullen	Garrett, Tenn.	Kleczka
Atkeson	Curry	Goodykoontz	Kline, N. Y.
Barkley	Dale	Gould	Knight
Beck	Davis, Minn.	Graham, Ill.	Kraus
Benham	Dempsey	Graham, Pa.	Kunz
Bland, Va.	Dickinson	Green, Iowa	Langley
Boies	Drane	Greene, Mass.	Larson, Minn.
Brand	Drewry	Griffin	Layton
Britten	Driver	Himes	Linthicum
Brooks, Pa.	Dunbar	Hudspeth	McArthur
Burke	Dupré	Hukriede	McClintic
Cantrill	Edmonds	Ireland	McCormick
Chandler, N. Y.	Ellis	Jefferis, Nebr.	McFadden
Chandler, Okla.	Evans	Jeffers, Ala.	McPherson
Clark, Fla.	Fenn	Johnson, S. Dak.	Maloney
Classon	Fess	Johnson, Wash.	Mann
Cockran	Fields	Jones, Pa.	Michaelson
Cole, Iowa	Fish	Kelley, Mich.	Mills
Collins	Fitzgerald	Kendall	Moore, Ill.
Connolly, Pa.	Focht	Kennedy	Morin
Cooper, Ohio	Fordney	Ketcham	Mott
Copley	Free	Kindred	Mudd
Coughlin	French	King	Nelson, Me.
Crago	Frothingham	Kinkaid	Nelson, A. P.
Cramton	Gallivan	Kitchin	Nelson, J. M.

O'Connor	Robsion	Speaks	Tinkham
Olpp	Rodenberg	Stafford	Treadway
Osborne	Rogers	Stiness	Upshaw
Paige	Rouse	Stoll	Vaile
Patterson, N. J.	Sanders, Ind.	Strong, Pa.	Vare
Petersen	Sanders, N. Y.	Sullivan	Ward, N. C.
Rainey, Ala.	Sears	Sweet	Wason
Rainey, Ill.	Shaw	Tague	Wood, Ind.
Reavis	Slemp	Taylor, Ark.	Yates
Reber	Smith, Mich.	Taylor, Colo.	Zihlman
Rhodes	Smithwick	Taylor, Tenn.	
Riordan	Snyder	Tilson	

The SPEAKER. On this roll call 285 Members have answered to their names. A quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the rule may be reported again.

The SPEAKER. Without objection, the rule will be again reported.

The Clerk read the rule again.

Mr. SNELL. Mr. Speaker, it was the intention to arrange for three legislative days in which it should be in order for the chairman of the Committee on Agriculture to call up for consideration any one of the bills that that committee now has on the House or Union Calendar. It is not intended that this resolution will in any way interfere with privileged business or regular calendar days, nor is it intended that these legislative days must necessarily be successive ones.

Mr. GARNER. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Texas.

Mr. GARNER. Has the gentleman a list of the bills in the order in which the Committee on Agriculture contemplates calling them up?

Mr. SNELL. I could not give the gentleman that information. I understand it is the intention of the chairman of the Committee on Agriculture to call up first the filled milk bill. Further than that I have not been informed.

Mr. GARNER. I wonder if the gentleman from Iowa [Mr. HAUGEN], chairman of the Committee on Agriculture, will accommodate the House with a list of the bills that he proposes to call up, in the order in which he proposes to call them?

Mr. HAUGEN. That is for the House to determine, but if the bills are called up in the order reported by the committee, and as they appear on the calendar, the first bill will be the so-called filled milk bill; the next, the bill to establish grades for spring wheat; the next, the Ward sugar resolution; the next, a Senate bill defining crop failures; the next, the DeRonde sugar claim; the next, an amendment to the cotton futures act, providing a grade for American-Egyptian cotton; the next, the Denison Mississippi River flood relief bill; the next, the bill prohibiting the importation of honey bees; and the next, the migratory bird and public shooting ground bill.

Mr. GARNER. Is that the order in which the gentleman proposes to call them up?

Mr. HAUGEN. That is the order in which they were reported and appear on the calendar.

Mr. GARNER. I want to know what the gentleman proposes to do about calling them up?

Mr. HAUGEN. The committee has instructed the chairman to do certain things.

Mr. GARNER. Will the gentleman mind telling us what those are?

Mr. HAUGEN. Unless otherwise ordered, the first would be the milk bill, next the grades of spring wheat, and next the Ward sugar resolution.

Mr. GARNER. Is that just as they are on the calendar?

Mr. HAUGEN. Just as they were reported.

Mr. GARNER. Was that order issued by the committee when the whole membership of the committee was present, or was that an arrangement made by the gentleman and his side of the House alone?

Mr. HAUGEN. The order of the committee was either to ask for a special rule, or that the chairman should avail himself of the privileges under the rules to expedite the business.

Mr. GARNER. But the last statement that the gentleman made was that the committee ordered him to do certain things. Was that in the whole committee when the entire membership was present, or was it a partisan matter?

Mr. HAUGEN. It was in the committee, a quorum present.

Mr. ASWELL. Will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman.

Mr. ASWELL. The action of the committee did not specify any except three things.

Mr. HAUGEN. The action taken by the committee was, first, to report the filled milk bill, with authority to call it up in the House, and later requested a special rule on it. The next bill reported was the bill proposing grades for spring wheat, which carried with it authority to call it up at any time under the rules; and the next bill reported was the Ward sugar resolution, on which the committee later requested a rule. I am stating the bills exactly in the order reported and the authority carried with the motion to report the bills.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. McLAUGHLIN of Michigan. Several of the members of the Committee on Agriculture appeared before the Committee on Rules and asked for special rules for the consideration of the Voigt filled milk bill and for the consideration of two of the sugar claims, so called. They made no request for any special time for the consideration of any other measures. The Committee on Rules found some difficulty in providing special rules for the particular kind of legislation brought to their attention by the Committee on Agriculture, and decided that instead of granting rules for the consideration of those three propositions, three days should be given by the House to the consideration of matters brought up by the Committee on Agriculture, with the express understanding—I say understanding—it was clearly intended by those who asked for the special time that the time should be given to the consideration of the Voigt bill and the two sugar claims. Now, the bringing in of these other matters, some of them important but none of them pressing, will result in delaying some of these matters, the early consideration of which was insisted on by the Committee on Agriculture.

Mr. KINCHELOE. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KINCHELOE. Does not the gentleman think that the bills of a public nature ought to have precedence over private claims?

Mr. McLAUGHLIN of Michigan. Oh, it depends on what those bills of a public nature are and the question of the disposition of the House later to consider them. The three bills I speak of must be considered now, and an attempt is being made to delay their consideration, with the idea that they will not later be considered at all. I object to the order in which these bills are to be presented to the House by the chairman of the committee. It is contrary to the spirit of the Committee on Agriculture and the idea they had in mind when they asked for this special order.

Mr. ASWELL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Louisiana.

Mr. ASWELL. Is it not a fact that the Committee on Agriculture made no request for the consideration of any other measures except these three—the Voigt bill and the two sugar claims?

Mr. McLAUGHLIN of Michigan. That is correct.

Mr. ASWELL. And the Committee on Agriculture has not requested a rule on any other subject?

Mr. McLAUGHLIN of Michigan. That is correct. The three measures I spoke of are the only ones for which special rules were requested, and these three days should be devoted to those measures. The time ought not to be taken up by the consideration of other matters.

Mr. WALSH. May I ask the gentleman a question?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman from Michigan say that the bill for grades of spring wheat was not included in its program?

Mr. McLAUGHLIN of Michigan. It was not included, although it had been favorably reported by the committee. Of course, it is expected that when a bill has been reported it will be presented by the chairman, but it was not one of those to be considered at this special time.

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Speaker, this is a very peculiar rule, as some of you here have noticed. It is a rule to give the Agricultural Committee a "field day" lasting for three days. I do not know how often a rule of this character has been brought in, but in the limited time I have been in Congress I have known of but few.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. JONES of Texas. Not now.

Mr. SNELL. Will the gentleman yield?

Mr. JONES of Texas. I decline to yield. I do not know how often they bring them in; of course it is perfectly legitimate to bring them in, but it is an unsual method of bringing matters before the House. I will tell you why, in my judgment, it was brought in. There are two or three sugar claims against the United States Government that belong on the Private Calendar. The Rules Committee did not want to give a rule specifying these bills for consideration. So they gave us three days during which these sugar claims which are in the nature of private claims may be brought up without it appearing in the RECORD that they ordered these special matters to be brought up. That is why we have three days instead of having a special rule designating the bills. Of course, no member of the Agricultural Committee can well afford to vote against giving his own committee the privilege of proceeding in the House for three days or five days or any other number of days, because there are certain bills which are to be passed which are in the interest of agriculture; but there are some Members who would pass any kind of a rule which would make in order these sugar claims.

These bills, the Ward resolution, and others are for the relief of private individuals. It is true they were referred to the Union Calendar. They were thus referred because some similar bills a year or so ago were reported and went to the Union Calendar. As they were worded at that time they were public in their nature. Then, of course, when they were reintroduced, as they did not pass last year, the wording was changed and they were again referred to the Union Calendar. But no one who will study those bills will say that they are not private bills.

One of them is for the American Trading Co. as a beneficiary and for B. H. Howell & Co. The rule says that the committee shall have the right to bring up and bring in the bills now on the Union or House Calendar. If they were referred to the Private Calendar, where they belong, you could not keep them from being in here under this rule. Now, Hinds' Precedents, volume 7, page 879, says:

> A private bill is a bill for the relief of one or several specified persons, corporations, institutions, etc., and is distinguished from a public bill which relates to public matters and deals with individuals only by classes. A bill which applies to a class and not to individuals as such is a public bill. A bill for the advantage of private individuals even in connection with the public object has been treated as a private bill.

Many rules have been presented, but so far as I know these rules have not given right of way to private bills, and I do assert that there has never so far as I have been able to find a special rule been given for a private bill. Has there?

Mr. CAMPBELL of Kansas. I have no recollection of it, but we have given three days or a week to the Military Committee, the Committee on Banking and Currency, and other committees to bring up such bills as were reported from their committees.

Mr. JONES of Texas. That may be true, but has the Rules Committee ever given a rule for the consideration of a private claim against the United States?

Mr. CAMPBELL of Kansas. I have no recollection of any.

Mr. JONES of Texas. Did not the Rules Committee have in mind these sugar claims when they passed this general rule?

Mr. CAMPBELL of Kansas. The committee knew that the sugar bills were on the Union Calendar.

Mr. JONES of Texas. Did not the committee first have a special rule for the Voigt bill and then take it back?

Mr. CAMPBELL of Kansas. I have no recollection of it.

Mr. JONES of Texas. Did not they run against a snag when they came to the sugar claims and then take back the rule on the Voigt bill?

Mr. CAMPBELL of Kansas. No. They gave the committee three legislative days to consider all measures on the Union Calendar.

Mr. JONES of Texas. That is where the rub comes. The information I received was that the Voigt bill was first up and they had an application for a special rule on that.

They first considered reporting out the Voigt bill. After that they came to these sugar claims; and the question was raised—and nobody can gainsay the fact—that, being for the relief of private individuals, they are in the nature of private claims. Some members of the Rules Committee told me—and they were men who were well informed and good parliamentarians—that never in the history of Congress, so far as they knew, had a special rule been reported for the consideration of private claims.

Mr. CAMPBELL of Kansas. Are there any bills covered by this rule that are on the Private Calendar?

Mr. JONES of Texas. That is where the trouble arises. The rule is very artfully worded.

Mr. CAMPBELL of Kansas. No; it is not artfully worded.

Mr. JONES of Texas. The rule provides for the consideration of bills now on the Union Calendar. I just explained how an error was made in referring these bills; but even now, if we had them referred to the Private Calendar—if I made a motion after the committee gets charge of affairs in the House to transfer the bills to the Private Calendar, where they properly belong—under the wording of the rule, when it is once adopted, these sugar claims, which involve several millions of dollars, could be considered, even though they ought to be on the Private Calendar.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. MOORE of Virginia. Can the gentleman explain to us why we should be dealing with private bills under a special rule, when there are rules that have been ordered by the Committee on Rules that pertain to very important public matters which remain up to this time in the breast, or rather in the breast pocket, of the chairman of the Committee on Rules?

Mr. CAMPBELL of Kansas. Does the gentleman ask me that question?

Mr. MOORE of Virginia. No; I am asking the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. I do not know why that is so. It seems passing strange to me that when no one can cite an instance of where a rule was presented for the consideration of private claims, that committee should come in and camouflage the matter by reporting a rule giving the Committee on Agriculture three field days and then have the chairman of the Committee on Agriculture get up and say that they expected to bring up the sugar claims. Of course they do; but the Committee on Rules apparently did not have the nerve to report out a rule for the consideration of a public bill and then follow it with a special rule for the consideration of a private bill. However, with some knowledge of what the Committee on Agriculture intended to do and what they expected to have done, the Committee on Rules now reports out a rule which not only makes it possible to bring up these private claims, but they so word the rule that when the Committee on Agriculture gets charge of matters in the House, if some one tries to have these bills referred to the Private Calendar, they can still be considered, because the rule is so worded to include bills "now on the Union and House Calendars." They would still then be covered by the rule.

I assert that the three-day provision was an afterthought. I appeared before the committee, as did a number of others, in opposition to these sugar claims. Nobody before the Rules Committee said anything about a three-day rule. The House Committee on Agriculture never requested a three-day rule. They simply requested a special rule for the Voigt bill and a special rule for the sugar claims, and when it came up to the final test, getting down to the cold steel of the proposition, the Committee on Rules said, "Nay, nay, we are not going to report a special rule for a private claim, because somebody will raise the question that there are public bills that ought to be considered under a special rule, and that we ought not to report a special rule for the consideration of private claims."

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Speaker, I want to say to the membership of this House now that, in my judgment, if it had not been for the activity of some very enthusiastic gentlemen for these sugar bills, there would not have been a rule reported to this House even for the Voigt bill. Here are two private claims, on behalf of private individuals and corporations, where we are asked to appropriate over $3,500,000 out of the Treasury of the United States to reimburse these people for some transactions they entered into while profiteering in sugar all over the country was rampant. The Agricultural Committee, by a majority report, reported these sugar bills to the House, and by some unknown method they went on the Union Calendar and not on the Private Calendar, where they belong. They could not show much speed there. I say to you that this Voigt bill is a public bill and it is all right to consider it, but its consideration is a secondary matter, so far as bringing out this rule is concerned.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. BANKHEAD. How much is involved in these two sugar claims?

Mr. KINCHELOE. About $3,500,000 in these, and about $750,000 in one that is now pending before the Committee on Agriculture. How many more there are I do not know. They got these bills on the Union Calendar, and then rushed to the Rules Committee, and if I am not mistakenly informed the Committee on Rules did agree to report the rule for the consideration of the Voigt bill, because it is a public bill, and then every

member of that committee knew that these two sugar claims ought to be on the Private Calendar, and every man in this House knows it. How they got on the Union Calendar, I do not know.

The Rules Committee did not want to break a precedent. These bills are on the Union Calendar, and if they had been on the House Calendar that committee knew they had no right to report a rule for their consideration. But now they bring out a shotgun rule, wide open as a bootjack, and they give three field days, as the gentleman from Texas says, to the Committee on Agriculture. What is on the calendar of a public nature? The gentleman from Illinois [Mr. DENISON] came there with a bill asking for an appropriation of a million dollars to buy seed for the flood-stricken farmers of the Mississippi Valley, and it was reported out unanimously. It is on the calendar. You do not hear of any rule for that bill. The game-refuge bill is a bill of a public character and it is on the Union Calendar, where it belongs. The Committee on Rules is not anxious about that. Then there is the bee bill. Officials of the Agricultural Department testified before the committee that unless we stopped the importation of bees from Europe the bee industry of this country is likely to be destroyed by a peculiar disease. That bill is on the calendar. There is no effort to bring that up. It will not be brought up in these three days, because the sugar claims of private individuals have the board. Within the walls of this Capitol and House Office Building is the most gigantic lobby I have ever seen since I have been in Congress for these sugar bills, and the flood-stricken farmers of the Mississippi Valley must step back, because the Congress is going to take up these private bills.

Mr. BLAND of Indiana. Mr. Speaker, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. BLAND of Indiana. I did not get the significance of the statement of the gentleman from Texas [Mr. JONES] to the effect that if these bills were referred to the Private Calendar nevertheless this rule would permit their consideration.

Mr. KINCHELOE. If these bills had not been placed on the Union Calendar—I want the gentleman from Kansas to hear me—the Committee on Rules would not have given the rule, because——

Mr. BLAND of Indiana. That is, if it was referred in the House.

Mr. JONES of Texas. I said that even if we sent the sugar bills to the Private Calendar, where they belong, after the rule is adopted, and the Agricultural Committee has charge of this matter, they would still have the right of way, because the rule says that bills now on the Union Calendar and House Calendar may be considered; so after the adoption of the rule, even though they were transferred, they would still have the right of way under the rule.

Mr. KINCHELOE. As the gentleman from Texas says, the members of the Agricultural Committee are in an attitude where we can not afford to vote against this rule.

Mr. RUCKER. Why not?

Mr. KINCHELOE. Because there are some bills of a public nature on the calendar that ought to be considered; that is the idea.

The SPEAKER. The time of the gentleman has expired.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does the adoption of this rule include the raising of the question of consideration against any bill that the Agricultural Committee brings up?

The SPEAKER. The Chair thinks not.

Mr. KINCHELOE. I did not yield for a parliamentary inquiry.

Mr. WALSH. But the gentleman's time had expired.

Mr. KINCHELOE. Has my time expired?

The SPEAKER. It has.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. Can the rule be amended from the floor?

The SPEAKER. It can, unless the previous question is ordered.

Mr. LONDON. Would the inclusion of the word "public" before the word "bill" in the resolution meet the objection raised by Members?

Mr. SNELL. I yield five minutes to the gentleman from Kansas——

Mr. RAYBURN. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAYBURN. At what time would it be proper to make a motion to refer back to the committee a bill that has been reported to the House by a committee?

The SPEAKER. The Chair does not understand the gentleman's inquiry.

Mr. RAYBURN. This bill here, of course, went to the Committee on Agriculture improperly, because the only thing in the bill is that which denies the instrumentalities of interstate commerce to this product. At what time would it be proper to make a motion to refer that to the Committee on Interstate and Foreign Commerce?

The SPEAKER. To rerefer it?

Mr. RAYBURN. Or refer it.

The SPEAKER. At the proper time for a motion to recommit, after the third reading of the bill, or in the morning immediately after the reading of the Journal. Those are the only times when the motion is in order.

Mr. RAYBURN. That is the ruling of the Chair, that that is the only time it can be done?

The SPEAKER. The status is this: When a bill has been referred to a committee, in the morning after the reading of the Journal any gentleman authorized by the committee can move to rerefer, but after the committee has reported the bill that settles the question of jurisdiction, and it can then be made only after the third reading of the bill.

Mr. RAYBURN. Would it not be proper when the bill is called up for consideration to make that motion?

The SPEAKER. The Chair thinks not.

Mr. SNELL. I maintain it is on the proper calendar at the present time. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker and gentlemen, I do not feel right in adopting this rule without making a suggestion. I want first the House to understand the sugar claim bills are not on any calendar and are not reported by the Agricultural Committee by a unanimous report. There is a substantial minority, of which I am proud to be a member, opposed to those bills, but it is true that by a majority vote the Committee on Agriculture instructed the chairman to ask for a special rule for the consideration of those bills. Mr. VOIGT had had a vote of the committee instructing him to ask for a special rule for the consideration of the so-called filled milk bill. I appeared before the Committee on Rules and protested against granting any special rule for the consideration of the sugar claims and we had a hearing. Now, as far as the Voigt bill was concerned, I remember the exact situation that morning. There was a sentiment in the committee to grant a rule, which was presented by Mr. HAUGEN, chairman of the committee, and there was no written rule introduced, and the matter stopped in that way. The proponents of the special rule for the consideration of the sugar claims took all of the time of the Committee on Rules that morning and I raised the question; I wanted to be heard on the merits of whether a special rule should be granted, and made the point of order that the Committee on Rules should not consider the granting of any special rule for the consideration of those bills, because those bills were improperly assigned and they should be on the Private Calendar. I do not think anyone seriously will contend for a moment that they should not be on the Private Calendar. The Rules Committee——

Mr. CLARKE of New York. Will the gentleman yield?

Mr. TINCHER. I can not. The Rules Committee said that they would give us a chance to protest to the granting of a special rule to that effect, and one gentleman on the Democratic side of the House suggested that as it was a matter of taking jurisdiction and an application for a special rule that the committee should go into executive session. They did, and the next information I had was that the Rules Committee had by unanimous vote granted the Committee on Agriculture so many days, and I assumed that if the Committee on Agriculture had so many days for the consideration of measures in this House that the chairman of that committee should be permitted under the ordinary procedure here to call up bills which are of public interest and should be considered.

And if he does that, it will take more than three days for the consideration of the public bills. I want to say now that if the sugar claims come up, with this proposition to take money from the Public Treasury to pay the sugar dealers of the country, or to save them from loss, I shall be found with those who are opposed to the claims, and fight them to the limit. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am unable to understand the attitude of some of the gentlemen on the minority side touching this matter. The Committee on Rules, I understand, unanimously reported a rule giving the Agricultural Committee three days. During the discussion of the merits of such a rule certain bills were referred to as bills that were likely to be brought

up. Now, some of the gentlemen on the minority side have been trying for several days to create the impression that there was something wrong, something improper, in bringing to the attention of the House bills regularly reported from the Agricultural Committee. Notwithstanding what certain other gentlemen may think about it, I do not think there is any sort of question but that the Speaker was justified in making the reference he did of these bills, and I am quite sure that the members of the Agricultural Committee themselves would have complained if these bills had gone to the Claims Committee. They are not claims. If they have merit it grows out of the fact that certain people acted as agents of the Government. I do not pretend to say whether they did or no. That is a matter for the House to determine when the evidence is presented. But it is an extraordinary thing that whenever anyone proposes to consider legislation having anything to do with acts of or the obligations arising out of the acts of the former Democratic administration gentlemen on the Democratic side protest. There is no sort of question but that the Department of Justice under the Wilson administration, the Department of State under the Wilson administration, did acknowledge or refer to certain people as agents of the Government in the purchase of sugar. Your administration so acknowledged them. It is for the House to determine whether they were such and whether there is an obligation arising out of that fact. But your State Department officials under their signatures so announced and acknowledged them. If what is proposed is fair and proper—and I do not now express any opinion in regard to them—it is because there is an obligation laid upon the Congress by the acts of the former administration.

One would judge from what you gentlemen say in regard to these matters that we are expected to turn our backs on anything and everything that has come to us from the former administration and to assume that it can not have any virtue because it did come from your administration. [Applause.] I am willing to admit that there is ground for argument along that line, but so far as we are concerned we are willing to give the former administration and its officials—they are the people whose case is presented here—opportunity to be heard. That is what these cases are. And I think it would be very proper to bring them up for consideration before the House.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. SNELL. I yield one more minute to the gentleman from Wyoming.

Mr. LONGWORTH. I simply wanted to ask to what committee these bills were referred in the Senate? They were treated as public measures, I am sure.

Mr. MONDELL. There is no manner of question but that they were treated as public measures. They involve the question of whether or no there is an obligation on the Government under one of its war laws.

Mr. SNELL. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. SNELL. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. POU].

Mr. POU. I yield one minute to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, to use the language of politics, there is too much "sugar" about this rule. The objection can be easily met by amending the rule by inserting the word "public" before the word "bills," so that the Agricultural Committee would be enabled to take up only public bills. It is natural that a Democrat should be suspicious of any war claim that is approved by the Republicans, because during the war all the Democrats could possibly do would be to make themselves guilty of petty larceny, while the grand larceny was committed by the Republicans.

Mr. Speaker, I want to know when an opportunity will be offered to present this amendment to the House?

The SPEAKER. The Chair will recognize the gentleman to make the motion under the rules when it is in order.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, there is a tempest in a teapot here this morning over a question of adopting a rule similar to rules that have been adopted in this House ever since I have been a member of the Committee on Rules. During the period of the war we brought in rules here giving the Agricultural Committee, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Banking and Currency, or any other committee that had accumulated a great deal of business on the calendars, days on which to transact their business. Therefore that part of the rule is not at all unusual.

The gentleman from Texas [Mr. JONES], a member of the Committee on Agriculture, raises the question that this rule makes in order the consideration of bills that should be on the Private Calendar. Well, the gentleman from Texas, being a member of the Committee on Agriculture, should have raised that question in the Committee on Agriculture rather than now. [Applause.] The gentleman from Kentucky [Mr. KINCHELOE] should have raised the question in the Committee on Agriculture.

Mr. JONES of Texas. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not. The Committee on Agriculture had jurisdiction of these bills in the Senate, had jurisdiction of them here, and reported them, and they are on the Union Calendar.

Mr. KINCHELOE. Will the gentleman tell me which calendar they should be on?

Mr. CAMPBELL of Kansas. This rule makes in order bills reported by the Committee on Agriculture now on the House or Union Calendar. Even the gentleman from Kentucky should know that the Committee on Agriculture does not report bills to the Private Calendar. These bills are on the House and Union Calendars, and the Committee on Agriculture, as soon as the rule is adopted, will have the right to call up any bill which is on the House or Union Calendar, and that is all this rule provides for.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

Mr. LONDON. Mr. Speaker, can the amendment be offered now?

The SPEAKER. It can not. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. JONES of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Texas. Would it be in order to move to recommit the rule to the Committee on Rules with instructions to report the same back with an amendment?

The SPEAKER. Except that the rules do not allow it.

Mr. SNELL. Except that it is not permissible under the rules of the House.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FILLED MILK.

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 8086.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 8086. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Be it enacted, etc., That whenever used in this act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

SEC. 2. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

SEC. 3. Any person violating any provision of this act shall upon conviction thereof be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both; except that no penalty shall be enforced for any such violation occurring within 30 days after this act becomes law. When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

Mr. JACOWAY. Mr. Speaker, how much time does the gentleman from Iowa propose for discussion?

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in Committee of the Whole House on the state of the Union; and pending that, I ask that the general debate be limited to—what time would the gentleman from Arkansas suggest?

Mr. JACOWAY. I would suggst one hour and a half for each side.

Mr. HAUGEN. I ask unanimous consent that the debate be limited to three hours, one half to be controlled by the gentleman from Arkansas [Mr. JACOWAY] and the other half by the gentleman from Wisconsin [Mr. VOIGT].

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill be considered in Committee of the Whole House on the state of the Union and that the general debate be limited to three hours, one half to be controlled by the gentleman from Arkansas [Mr. JACOWAY] and the other half by the gentleman from Wisconsin [Mr. VOIGT]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for consideration of the bill H. R. 8086, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8086, which the Clerk will report.

The bill was again read.

The CHAIRMAN. Under the order of the House, the time on this debate is limited to three hours, one half of the time under the control of the gentleman from Wisconsin [Mr. VOIGT] and the other half under the control of the gentleman from Arkansas [Mr. JACOWAY]. The Chair recognizes the gentleman from Wisconsin.

Mr. VOIGT. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 15 minutes.

Mr. VOIGT. Mr. Chairman and gentlemen, the object of this bill which I have introduced is to exclude from interstate and foreign commerce, and to prevent the manufacture of, in the District of Columbia and in the Territories and possessions, an article which is known as filled or oiled milk.

Filled milk is a compound or imitation of milk which has come onto the market in the United States during the last five or six years. The article consists of a combination or compound of condensed skimmed milk and coconut oil. The manufacture of this article is carried on in the same factories where the ordinary evaporated or condensed milk is made; that is, some of the same people in the country that are making evaporated milk are manufacturing this product as a side line, and the manufacture of the substitute has assumed such alarming proportions in the last few years that something should be done to curb it.

The sale of this article is a fraud upon the public, and it is a fraud upon the men who are engaged in the milk and dairy business and in the manufacture of legitimate condensed and evaporated milk. These people who are making this product take the whole milk as it comes from the farmer and separate it, take out the cream, which is the valuable constituent, then condense the skimmed milk to about one-half of the volume, and add coconut oil equal to the quantity of butter fat removed. The resulting mixture, when the coconut oil and condensed skimmed milk are emulsified and combined in the factory, is an exact imitation of evaporated milk. It looks and tastes exactly like evaporated milk, and the consumer can be easily defrauded into buying it for the genuine article.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. VOIGT. Yes.

Mr. JOHNSON of Mississippi. Is that milk injurious or unwholesome or deleterious to health?

Mr. VOIGT. I will say that the filled milk is not a poisonous product, but it is a fraudulent product, in that the consumer is not getting what he thinks he is buying. The evidence adduced before our committee was overwhelming that the filled milk was sold on the shelves of the retailers side by side with the genuine article, and in most cases it was being sold for the same price. I object to filled milk not so much for what is in it as for what is not in it.

Milk is by far the one most important food article which we have. There is no substitute for milk, and the general health of our people would be immensely benefited if we consumed three or four times as much milk and cheese as we actually do. We can not gain anything by permitting people to put a fraudulent substitute for milk on the market.

Mr. WALSH. Mr. Chairman, will the gentleman yield for a question?

Mr. VOIGT. Yes.

Mr. WALSH. Did the committee hold any hearings on this bill, H. R. 8086?

Mr. VOIGT. I will say to the gentleman that originally I introduced the bill H. R. 6215, which was an amendment to the pure food and drugs act. That bill I submitted to the Secretary of Agriculture and he objected to it because he did not approve of specifying any particular food product in the pure food and drugs act. But representatives of the department appeared before the committee and expressed themselves in favor of legislation to curb the production and sale of filled milk. Then, after the hearings were completed, I redrafted the bill in its present form. The subject matter of both bills is the same. I think that will answer the gentleman's question.

Mr. WALSH. This bill is the result of the hearings, but no hearings have been held on this particular bill?

Mr. VOIGT. This bill was drafted after the hearings were closed. It was not necessary to hold further hearings, because the difference in the bills is largely a matter of form. No one requested additional hearings.

Mr. JOHNSON of Mississippi. If this filled milk is not injurious, deleterious, or unwholesome to health, in view of the first child-labor law decision, what constitutional authority have you for prohibiting its shipment in interstate commerce?

Mr. VOIGT. I do not concede that this filled milk is not injurious. I shall speak of the constitutional question later on.

Mr. JOHNSON of Mississippi. That is why I asked the question a while ago.

Mr. VOIGT. If a small quantity of filled milk is consumed by an adult person it will not injure him any more than if he consumes a mixture of half milk and half water. But the gentleman will concede that he would not approve of permitting anybody to sell such a mixture. Filled milk is positively injurious to children and will affect the health of an adult if he uses it in place of milk.

Mr. JOHNSON of Mississippi. That suggests this question: Can we not remedy that by requiring the manufacturers to place on the container a statement of the constituent elements of the filled milk?

Mr. VOIGT. A statement of the constituent elements is now placed upon the container, but the difficulty is that the manufacturers of this article put this filled milk into a container of the same size and style as the other, and it is put on the shelves in retail stores side by side with the genuine product, and the testimony offered before the committee was overwhelming that when people went in and asked for evaporated milk, or for a can of milk, in many cases they were handed this fraudulent substitute, which costs the retailer about 3 cents per can less.

Mr. JOHNSON of Mississippi, Mr. NEWTON of Minnesota, and Mr. DOWELL rose.

Mr. VOIGT. I shall yield for a brief question, but I must proceed with my statement.

Mr. JOHNSON of Mississippi. Is that the reason for not shipping in interstate commerce?

Mr. VOIGT. That is one of the reasons.

Mr. JOHNSON of Mississippi. Will the gentleman tell us the others?

Mr. VOIGT. I am trying to tell the committee as rapidly as I can speak what the bill is about and what the objections are to this substitute.

Mr. DOWELL. Just one question. What about the nutrition in filled milk as compared with pure milk?

Mr. VOIGT. I intend to speak about that. I will say to the gentleman that Doctor McCollum, of Johns Hopkins University, who is probably the greatest expert on nutrition in the world, has conducted something like 4,000 feeding experiments on animals, and he finds that if rats, for instance, are fed on such articles as you would have on your table, good wholesome food, but are left without milk and are fed on this filled milk, they will die of disease in a very short time. The vitamines which have been found so necessary for the growth of infants and children and for the grown body as well are absent from this filled milk.

Mr. DOWELL. It is not fair to put it in competition with pure milk, as to the nutritious qualities of it?

Mr. VOIGT. Absolutely not. The vital, growth-producing, health-giving elements of milk known as the vitamines are almost wholly lacking in this substitute. Coconut oil contains no vitamines, nor does any other vegetable oil.

Mr. LAZARO. Will the gentleman yield?

Mr. VOIGT. I yield briefly to the gentleman from Louisiana.

Mr. LAZARO. Just for a short statement. While the filled milk does not contain any poison, if an ignorant person goes to the store and buys a can of filled milk and feeds it to his children and does not know that his children are getting milk that contains no elements of nutrition his children are being poisoned in an indirect way.

Mr. VOIGT. That is the point exactly. Anyone feeding this article to children with the idea that they are getting evaporated milk is seriously imperiling their health. A child fed on this substitute will develop rickets, and eye disease, and is liable to tuberculosis, because that child is not getting the nutrition contained in normal whole milk.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. VOIGT. I will yield briefly to the gentleman.

Mr. NEWTON of Minnesota. I have been very much interested in the pamphlet sent out based upon the experiments made by Professor McCollum, of Johns Hopkins. It shows that rats fed with this filled milk develop eye trouble. I am wondering if before the committee there was any contention made by anyone disputing the conclusions and findings of Professor McCollum?

Mr. VOIGT. No, sir.

Mr. NEWTON of Minnesota. So that the record stands undisputed.

Mr. VOIGT. The report which the gentleman has in his hand as to these experiments is absolutely undisputed. If you will read this pamphlet you will learn just how Professor McCollum made these experiments. There was some question raised in the committee, and the gentleman from Louisiana [Mr. ASWELL] asked Doctor McCollum if he would experiment on rats with filled milk. Doctor McCollum made that experiment and here is the result of it. [Showing picture.] It shows that if rats are fed on good food, such as bread and beefsteak and articles that you would eat at your table, but instead of milk are fed this filled milk, they will rapidly decline and die of disease in a very short time. Here in this pamphlet are the pictures of two rats of equal age that were taken at the same time. One of them was fed on evaporated milk and the other fed on filled milk, but otherwise their diet remained the same. This rat on the right was fed the substitute and in something over 100 days grew to only one-half the size of the other one besides contracting a fatal eye disease which killed it. Take a look at this picture and you will see the bright eye of the rat fed on legitimate evaporated milk and then look at the other one.

Mr. BUTLER. Will the gentleman yield?

Mr. VOIGT. I will.

Mr. BUTLER. I am sure that if I were a rat I would not want to be fed on this substitute. Has the gentleman the result of any experiments on a human being?

Mr. VOIGT. I have learned of some cases where children were fed by the parents on filled milk and that physicians found them in very poor condition.

Mr. BUTLER. It failed to nourish the children?

Mr. VOIGT. Yes, and developed disease in them; but when the children were fed on a good milk diet they recuperated rapidly.

Mr. McCLINTIC. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. McCLINTIC. Was there any testimony from farm organizations as to the effect that this legislation will have if it is enacted into law?

Mr. VOIGT. I will say that every farm organization that has a representative in the city of Washington is for this bill.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. VOIGT. I will.

Mr. WILLIAMSON. Is it not a fact that this filled milk is sold largely to the poor and ignorant; for instance, on the East Side of New York, where they are not educated in the grades of milk?

Mr. VOIGT. Yes. Some of the organizations that are interested in this legislation sent out observers in the city of Philadelphia and in my State of Wisconsin, and they found that in the good residential sections of cities, where people were able to read the labels, it was not sold, but they found it in the stores patronized by the less well to do and foreigners. In some instances it has been found in the homes of intelligent people, who never read the label.

Mr. RAKER. Will the gentleman yield?

Mr. VOIGT. I will.

Mr. RAKER. In the bill in line 8, page 2, you use the words "powdered, dried, and desiccated." What is the difference between those three terms?

Mr. VOIGT. There is no difference; these words are used interchangeably by the trade. The idea is to cover all forms of milk.

Mr. RAKER. The bill provides that if there is any fat whatever added to the powdered, dried, or desiccated milk, or other form of milk, even though there is no substance taken from the milk before it is dried, the bill applies. Suppose you took 10 gallons of milk and dried it as they do in California, if you put any fat at all into it the bill applies to that.

Mr. VOIGT. Yes. The bill prohibits the shipment of any form of milk which has been in any way adulterated with oil or fat, except butter fat that comes from the cow. That is necessary for this reason: It was discovered that in the city of New York men took milk and added coconut oil because it gave it a creamy consistency and sold the article for cream. There was a concern organized in Philadelphia to manufacture this so-called cream.

Mr. RAKER. Take the cream without any dilution, evaporate it so that it is dried powder; now, if you put in any sort of material, if you put in any fat except butter fat, under this bill it would be prohibited from interstate commerce.

Mr. VOIGT. Yes.

Mr. RAKER. Did the committee find out that any addition to the natural cream dried was unhealthy?

Mr. VOIGT. We did not find that that method was being pursued. I do not know of any manufacturer in the United States who is doing that. The people who are using coconut oil are using it as a substitute for butter fat in milk. They are not using it except for the purpose of making milk appear as cream, or skimmed milk as evaporated milk.

Mr. RAKER. This is intended to cut off the fraud?

Mr. VOIGT. It is.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. VOIGT. Certainly.

Mr. SMITH of Michigan. What other ingredients do they use to adulterate milk besides coconut oil?

Mr. VOIGT. I understand occasionally a small amount of peanut oil is used, but that is rather negligible.

There is a great incentive on the part of the retailer to sell this in preference to the genuine. The evidence before the committee showed that the ingredients in a pound can of this substitute cost the manufacturer a fraction less than 2 cents, whereas the milk for a pound of legitimate evaporated milk costs about 3 cents more.

Mr. BUTLER. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. BUTLER. Is there no law existing by which that fraud can be avoided?

Mr. VOIGT. No.

Mr. BUTLER. And it requires a bill of this kind?

Mr. VOIGT. Absolutely. I will say that I think the spirit of the pure food law covers this article, but the manufacturers escape by using a trade name instead of calling it milk. The act provides that an article of food shall be considered adulterated—

if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength—

Or—

if any substance has been substituted wholly or in part for the article—

Or—

if any valuable constituent of the article has been wholly or in part abstracted—

And shall be considered misbranded—

if it be an imitation of or offered for sale under the distinctive name of another article.

But the manufacturers escape under a proviso to section 8 that an article shall not be considered adulterated or misbranded—

in the case of * * * compounds * * * under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article.

The manufacturers use the same size cans as for evaporated milk, and put on such names as "Hebe," "Carolene," "Enzo," "Silver Key," "Nutro," and "Nyko."

Mr. LAZARO. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. LAZARO. How much peanut oil is used in the preparation with the coconut oil?

Mr. VOIGT. A very small quantity; I do not know how much. The manufacturers of the substitute extract the cream and take the same quantity of coconut oil to replace it. For instance, they will take out of the milk 7 or 8 per cent butter fat and then substitute 7 or 8 per cent by weight of coconut oil. The butter fat extracted from the milk is worth 40 or 50 cents a pound, while coconut oil can be purchased for from 8 to 10 cents a pound.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. VOIGT. Yes.

Mr NORTON Are not all of these cans labeled with exactly what they contain?

Mr. VOIGT. Yes; but they are labeled in a fraudulent way, because they do not tell the consumer that the valuable part of the milk has been extracted.

Mr. NORTON. But they do tell exactly what is contained in it.

Mr. VOIGT. From a technical standpoint they do, but there is not one individual in ten thousand, after he sees the label, who knows what is in the can.

Mr. SMITH of Michigan. These things are in fine print.

Mr. VOIGT. I have here a full-page advertisement of "Nutro" in the Chicago Tribune. This advertisement says:

Nutro is a delicious and nutritious new milk product. It is prepared in the rich dairying districts of Wisconsin and Indiana, and made of pure, fresh cow's milk with the animal fats extracted and essential food values replaced by a refined, rich, sweet, purely vegetable coconut fat.

Nutro is pure, delicious, wholesome. It is prepared in model condenseries from pure cow's milk evaporated to double strength, with the animal fats extracted and then enriched with sweet, edible, highly refined coconut fat.

I submit that the reader gets the impression that Nutro is a better article than evaporated milk. Butter fat is referred to as "animal fat," and it is claimed that pure cow's milk is evaporated to double strength.

The manufacture of this compound has been growing at an alarming rate, as will appear from the following figures furnished by the Bureau of Markets:

	1920	1919	1918	1917
Evaporated, part or full skimmed, modified with foreign fat (case goods)	84,044,000	62,262,225	50,619,163	30,488,262
Evaporated, part or full skimmed, modified with foreign fat (bulk goods)	2,517,000	2,748,120	3,861,097	4,543,640

In 1920 nearly 8,000,000 pounds of coconut oil were used in the manufacture of the compound, taking the place of that many pounds of butter fat sorely needed for the nutrition of our people and injuring the market of the American farmer. It is unfair to our farmers to put them into competition with this inferior product produced by oriental labor and handled by very unclean methods. The manufacturers of filled milk stated before the committee that the business was in its infancy, and it is high time that it is wiped out altogether.

The argument is made that filled milk is a poor man's food because it is sold for less money than the genuine article. There is nothing to this argument, because the evidence shows that in very many stores the two articles are sold for the same price. But assuming that the poor man can buy a can of this stuff for 8 cents when he would have to pay 10 or 11 cents for evaporated milk, he is defrauded nevertheless, because he is not getting 8 cents' worth and is probably injuring the health of his family.

The superiority of the white race is due to at least some extent to the fact that it is a milk-consuming race. Natives of tropical countries who use the products of the coconut are stunted in body and mind. I believe that one reason why they are inferior is that they do not use the milk of cows or other animals. We owe a great deal to the dairy cow, a great deal more than the general public gives her credit for. We can not afford to injure the dairy industry; if we do it, we injure the Nation. The dairy industry not only supplies us with an absolutely necessary article of food but it maintains the fertility of our soil, and anything that we do to encourage the dairy industry is a direct benefit to the Nation. Doctor McCollum testified as follows before our committee:

There is no question but what milk is the only food for which there is no effective substitute. It is not a question of whether there is some food value in skimmed milk, as to whether we can not get along in some peculiar situation, that one might not get along if a suitable amount of eggs were included in the diet every day. It is not a question whether technically you can bring before a legislative committee of this sort a situation which might work in a satisfactory manner without this food. But this is the point, that we are educated to use milk. We are a people who for hundreds of generations have depended upon dairy products as a prominent article of our diet. We know how to use it, and we like it. We have an agricultural industry which can not remain a permanent one—there can be no permanent system of agriculture without an animal industry to go with it. * * * We have no deposits of phosphorus and no adequate deposits of calcium that will meet the agricultural needs of this country for fertilizer. * * * There is no similar property—vitamines—in any vegetable oil, including coconut oil and cottonseed oil, comparable with what you find in butter fat. * * * I guarantee that any infant that is fed for a few weeks on one of these milk substitutes will develop rickets. * * * My suggestion is that we do everything that is in our power to maintain at its full tide an industry so important as the dairy industry, and to bring the American cow into competition with a coconut grove is an injustice.

This bill has been indorsed by hundreds of dairying and farming organizations, by organizations of consumers, and others who are interested in the welfare of the people. It is also indorsed by practically every dairying and farming publication in the United States. Some of the leading organizations indorsing it are as follows:

National League of Women Voters.
National Congress of Mothers and Parent-Teachers' Associations.
National Grange.
American Farm Bureau Federation.
National Board of Farm Organizations.
Farmers' Educational and Cooperative Union of America.
Farmers' National Congress.
National Agricultural Organization Society.
National Conference on Marketing and Farm Credits.
National Dairy Union.
Pennsylvania Rural Progress Association.
Farmers' Society of Equity.
Federation of Jewish Farmers of America.
American Association for Agricultural Legislation.
Intermountain Farmers' Association.
Farmers' Equity Union.
American Society of Equity.
National Milk Producers' Federation.
Dairymen's League (Inc.) and Dairymen's League Cooperative Association (Inc.). (Largest in the world.)
New England Milk Producers' Association, Woodbury, Conn.
Interstate Milk Producers' Association.
Maryland and Virginia Milk Producers' Association.
The Milk Producers' Association of the Chicago District.
Dairymen's Cooperative Sales Co.
National Agricultural Conference.
National Dairy Council.
American Jersey Cattle Club.
Milwaukee Milk Producers' Association.
Wisconsin State Union, American Society of Equity.
Northeastern Dodge County Cow Feeding Association, of Wisconsin.
Cheese Producers' Federation, of Plymouth, Wis.
Wisconsin Dairymen's Protective Association.

The Legislature of Wisconsin at its 1921 session passed a joint resolution memorializing Congress to pass the Voigt bill.

Some question has been raised as to the constitutionality of this bill. I have given this matter very careful consideration and have also had the benefit of the advice of competent lawyers. Judge J. W. Bryan, of Baltimore, an authority on constitutional law, in an exhaustive opinion, declares the bill constitutional. I can not take the time to discuss the legal question, but refer anyone interested to the following decisions:

Lottery Cases (188 U. S. 321).
Hoke *v.* United States (227 U. S. 308).
McDermott *v.* Wisconsin (228 U. S. 115).
Eckman Alterative Cases (239 U. S. 510).
Hebe Case (248 U. S. 297).

Quite a number of States have already passed laws outlawing or imposing severe restrictions on the sale of filled milk. Such States are Utah, Maryland, Florida, California, Colorado, Connecticut, Oregon. New York and New Jersey have very recently passed laws prohibiting its manufacture and sale. Wisconsin passed such a law at the last session of the legislature. This law is now being tested in the Supreme Court, and I have no hesitation in saying that its constitutionality will be upheld. There are prospects of further State legislation. It is the judgment of all dairying and farm organizations represented in Washington that with the State legislation and the enactment of this bill into law we shall have a remedy which will effectually outlaw filled milk.

[NOTE.—The bill passed the House on May 25, 1922, by a vote of 250 to 40.]

Mr. JACOWAY. Mr. Chairman, I yield 20 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, it is discouraging to me to see so good a man as the gentleman from Wisconsin [Mr. VOIGT] permit himself to be used in behalf of such flagrant, sectional, vicious class legislation as that which is proposed by this bill. If I were in favor of this sort of legislation I could not support the bill because unquestionably it is unconstitutional. Its proposals are monstrous. The gentleman from Wisconsin in his closing remarks made the amazing statement that this milk compound is so labeled that not one person in 10,000 could read it and understand what it means. I hold in my hand a can of the so-called filled milk. This is the Hebe compound. This is made of peanut oil and skim milk. Six months ago when the hearings were being held on this question it appeared that generally coconut oil was used. I then made a request of the manufacturers of these milk compounds to experiment in their chemistry departments to ascertain whether our domestic oils could be used. They have experimented with peanut oil, cottonseed and sunflower seed. They made a perfect success of the peanut and the cottonseed oils, and are still experimenting with the sunflower oil. I used this particular can which I hold in my hand for baking purposes in my home during the past week to test it. It is a perfect milk compound of peanut oil and skim milk. The gentleman is mistaken about the label. There could not be any fraud. This is the label, and you can read it across the room.

Mr. VOIGT. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. In a moment. The label states that it is a compound of evaporated skimmed milk and vegetable fat; that it contains 7.8 per cent of vegetable fats, 25 per cent total solid. Then the label in letters that you can read from your seats says that it is for cooking and baking, and then we find the statement in large letters, "Do not use in place of milk for infants." Every can has that label under the present pure food law, and where any deception or fraud could be practiced is beyond my comprehension. I yield to the gentleman from Wisconsin.

Mr. VOIGT. Is that a can of the Hebe milk?

Mr. ASWELL. Yes.

Mr. VOIGT. Was it not testified before the Agricultural Committee that the manufacturers of this very product had changed their label about six or seven times?

Mr. ASWELL. They may have changed it in the development of their product, but this is the established label now adopted by that company.

Mr. BURTNESS. Was that portion of the label which warns against the use of the contents as a substitute for milk for infants on former labels?

Mr. ASWELL. It was.

Mr. BURTNESS. It is the gentleman's contention that it has been put on the label of the product of this company from the beginning?

Mr. ASWELL. I have not followed the history of it from the beginning, but since it has been developed into a real business, prosperous enough to put the fear of the Lord into the Butter Trust, it has had that label.

Mr. VOIGT. I hold in my hand a can of this compound, and it does not contain any such statement on its label.

Mr. ASWELL. That might be before they had established and developed the business, but we are dealing with the present. In an open fight for the right why do you not come away from ancient history?

Mr. RANKIN. Mr. Chairman, if the gentleman will yield, I see now that the gentleman from Wisconsin has found that the label is on the can.

Mr. RAKER. Where did the gentleman get the information that this is peanut oil?

Mr. ASWELL. With the permission of the House, I would like to file a letter in respect to that. I had the experiment made.

PEANUT OIL USED.

CHICAGO, *April 22, 1922.*

MY DEAR MR. ASWELL: Immediately following the hearing before the House Committee on Agriculture at Washington last summer on the Voigt bill, and in line with your suggestion, our laboratory began to experiment with peanut oil in the manufacture of an evaporated skimmed-milk compound.

In the manufacture of such a compound it is imperative that the vegetable fat used be absolutely neutral as to flavor and odor. After exhaustive inquiries we found that a peaunt fat which would fit our requirements was not obtainable—not even in small amounts necessary for making laboratory experiments. We then proceeded to equip our laboratory with the apparatus necessary to refine peanut fat to a point where the objectionable flavors of the peanut had been practically eliminated. As soon as this had been accomplished, and we were able to produce a higher refined fat than was obtainable from the refiners of peanut oil, we commenced to manufacture a compound in the laboratory with the peanut fat, and we found our path beset with many difficulties which could only be solved by continuous experimentation, all of which consumed much time.

After we had produced a satisfactory product in the laboratory, it was then necessary to manufacture a batch of the new product on factory scale and hold this batch in our warehouse for several weeks to ascertain if the finished product on aging would develop any flavors which would make it unfit for commercial use.

As I advised you in my night letter of yesterday, we are satisfied that we have produced a satisfactory product, and that this belief will be fully confirmed on the termination of our experiments, which should be concluded in the next month or two.

The referee appointed by the Supreme Court of the State of Wisconsin to take testimony in the case brought by this company to test the constitutionality of the law which prohibited the manufacture and sale of Hebe, passed last summer by the legislature of that State, found from the evidence that Hebe is a wholesome and nutritious article of food for adults and children in the same sense that bread, meat, and potatoes are wholesome. He also found there was nothing deleterious to health in the product.

You will be interested in knowing, I am sure, that Professor McCollum, who appeared before this committee on the hearings on the Voigt bill, was the star witness for the State in this case.

No exceptions were taken by the State to the findings of the referee as reported by him to the supreme court. This case was argued before the supreme court on April 15, but no decision has been handed down as yet. We look for a decision on or about May 7.

As Hebe is an admittedly wholesome nutritious article of food, honestly labeled, and economical in its use, there would seem to be no just basis for denying to it the channels of interstate commerce.

The argument which has been freely advanced by the proponents of the bill that the legislation is fully justified for the reason that the dairy farmer should not be compelled to compete with the "coconut cow" of the South Sea Islands, has been rendered ineffective by reason of our discovery that a commercially successful product can be produced by substituting peanut fat for coconut fat.

It needs no argument to substantiate the statement that this new use discovered for peanut fat will give the peanut industry in this country a great impetus and contribute materially to the prosperity of that section of the country which grows peanuts. It is difficult to believe that Congress would pass a bill, the effect of which would be to benefit the producers of a raw material produced in one section of the country to the detriment of producers of a raw material in another section.

If the product was not a wholesome, nutritious article of food, and was not being advertised, labeled, and sold for what it really is, we would have no right to protest against the proposed legislation, but it does seem that the power of Congress should not be directed against us for the sole reason that the class of people engaged in the manufacture of a competing production have an ambition to destroy competition.

* * * * * * *

With the assurance of my continued high personal regard, I am

Yours truly,

PAUL R. MCKEE.

Mr. RAKER. The gentleman says that the bill is unconstitutional. Upon what grounds?

Mr. ASWELL. Because the bill starts out with the blunt statement that milk compounds shall be prohibited from being manufactured and shipped through interstate commerce, and gives no reason whatever for it. No claim is made that filled milk is unwholesome or injurious to health, nor that it is sold fraudulently. Its provisions are ridiculous.

Mr. VOIGT. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. VOIGT. Did the gentleman or any other member of the committee raise that point while the hearings were being held? Did the gentleman then claim that the bill was unconstitutional?

Mr. ASWELL. I did, and I put it in my minority report. I am sorry you have not studied it.

Mr. VOIGT. Was the question raised in the committee?

Mr. ASWELL. Absolutely. I raised it myself.

Mr. VOIGT. I do not recall it.

Mr. ASWELL. Mr. Chairman, this proposed bill on the subject of filled milk, which has been discussed by the gentleman from Wisconsin, is to my mind a very serious one, because it involves the fundamental principles of government. I think most of the gentlemen on the Republican side in the last campaign made the solemn pledge to the American people that there would be less government in business. The purpose of this bill is not only to put the Government in business, but to put the Government into the business of putting out of business legitimate business. I want to make an assertion and prove it by the hearings, that the proponents of this bill, namely, the dairy interests of certain sections of the country, have one definite purpose, and that is to remove competition from their own business. In the hearings a Mr. Larson, of the Department of Agriculture, advocating the bill and speaking for the Butter Trust, made an amazing admission. After a long and tedious hearing the following occurred:

Mr. ASWELL. Then, according to your statement, if these gentlemen would promise not to increase their business you would not object to their manufacturing what they are manufacturing?

Doctor LARSON. From the standpoint of that principle?

Mr. ASWELL. If they would promise not to increase it any, you would be satisfied?

Doctor LARSON. If they did not increase it, from the standpoint of the dairy industry it would not be a serious thing. As I said before, they are making 85,000,000 pounds of this product to-day, and we are producing 1,500,000,000 pounds or more of evaporated milk. But the point is, it is growing so very rapidly.

This whole question is an effort to have the Congress step in and protect the private dairy business by shutting out their competitors in other legitimate business. It is monstrous that the Congress should be asked to destroy business in which millions of dollars have been invested, merely for the purpose of more profit to the dairy business competing with them. The purpose of the bill is to shut out competition with the dairy industry, which has here the most powerful organized lobby in the world.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. RAKER. The gentleman read certain matter from the label on the can. The gentleman from Wisconsin [Mr. VOIGT] said that he had a can of this milk in his hand which did not have that on the label.

Mr. ASWELL. Oh, he admitted later that he found it there.

Mr. RAKER. Was it on the gentleman's can, I will ask him?

Mr. VOIGT. Will the gentleman yield to me for a moment?

Mr. ASWELL. Oh, the gentleman found it on his can. I want to answer the gentleman from Wisconsin now for a moment in respect to his rat business.

Gentlemen, there are three great specialists in this country who have equal responsibility for the amazing discovery of vitamines. Nobody has ever seen a vitamine or tasted one or heard it. It is something that is supposed to be in certain foods that makes life. These gentlemen are Doctors McCollum, of Baltimore, and Sherman, of New York, and Mendel, of Yale.

Doctor McCollum came before our committee and made the assertion that if we fed rats a certain food and some other rats some other foods some will grow fat and some will grow ill. This picture Mr. VOIGT has shown you is in harmony with that description, but I shall in a minute read from Doctor McCollum, specifically making an assertion on the other side of the question. Doctor McCollum made the assertion before our committee that unless every man in the country should drink a quart of sweet milk a day he would be underfed and be a runt.

I remember very distinctly that my friend the gentleman from Kentucky [Mr. KINCHELOE] resented that absurd statement, and the gentleman from Nebraska [Mr. MCLAUGHLIN] called attention to the fact that with MCLAUGHLIN's large family of children if they drank as much milk as McCollum demanded, because the output would be inadequate and the price advanced, it would cost my friend MCLAUGHLIN of Nebraska $7.92 a day for his milk bill. Doctor McCollum is reputed to be a great doctor, and I want to present to you his double position before I am finished with this. He says that the rat that is fed filled milk alone grows thin and dies. Why, if you feed a baby on pure butter and nothing else it will die, or if you feed a baby on ham and nothing else it would die, but he says you must give the rat the whole milk to save him and make him sleek and fat. Have you ever seen one of the rats around a farmhouse fat and sleek and skillful and daring? Where did he get his pep? From whole milk? Where did he get any milk at all?

Mr. VOIGT. Will the gentleman yield?

Mr. ASWELL. Yes, sir.

Mr. VOIGT. I want to say to the gentleman the rat which is at liberty and not in captivity feeds on other animals and gets the blood and the vitamines in that way.

Mr. ASWELL. What other animal does a mouse feed on?

Mr. VOIGT. I can not tell you, but that is the testimony of Doctor McCollum.

Mr. ASWELL. Now, Mr. Chairman, let me quote Doctor McCollum. Here is a letter from Doctor Mendel, of Yale University, the highest authority on the subject, with reference to this strange entity that is called vitamine. He writes this letter to Representative JOHN CLARKE, of New York:

The situation is somewhat as follows: The investigations of recent years have demonstrated that in addition to the usual nutriments, proteins, fats, sugar, and salts, milk contains properties now described as vitamines. One of these is abundantly associated with the milk fats, as was first demonstrated by McCollum and by Osborne and myself several years ago. It is frequently called fat-soluble vitamine A. It is not universally present in foods and it is essential to the welfare of growing individuals. It is found in eggs, in green vegetables, in various animal fats—rarely in those of vegetable origin as they are prepared for the market. Every physiologist admits that growing children should have some quota of vitamine A; how much is needed is not definitely known. For infants the preferable supply admittedly is whole milk. However, McCollum is authority for the statement that approximately half of the vitamine A is present in the nonfat part of the milk—that is, in skim milk; and another competent scientific investigator, Professor Sherman, of Columbia, has announced that skimmed milk furnishes important amounts of vitamine A. I inclose a copy of their published statements which I happen to have at hand.

Preparations of so-called "filled" milk are emulsions of vegetable fats in skimmed milk. Coconut oil is commonly used, I believe, in preparing them. These facts are admittedly digestible and nutritious; so is skimmed milk, which, owing to fostered prejudices, has been a greatly undervalued article of diet. The milk compounds should be properly labeled—as should every package of food—to tell the truth. They should not be recommended for use in infant feeding; on the other hand, no harm can come from the chance use of a quantity of skimmed milk even by infants. I mention this because the opponents have spread the impression among gullible persons that the use of a can of milk compound is a positive menace to the infant which consumes it. Skimmed milk is not a rank poison. It is merely not a complete food for an infant; neither is barley water nor "prepared foods."

I am informed that some of the milk compound packages and advertisements not only give the composition of the contents but specifically indicate in words that the product is not recommended for infant feeding. What, then, shall we say of the value of the milk compounds, properly marketed in conformity to the pure-food laws, for adult nutrition? I do not see how they can be designated otherwise than as wholesome food. Indeed, it would be a nutritional advantage if skimmed milk were used more widely in culinary practice. It greatly enhances the value of cereals, notably the "staff of life," bread. "Filled" milks enrich them also, adding wholesome fats. No one knows at present to what extent vitamine A may be required by adults, but in any event the latter, using the mixed diet of adult life, are not dependent on cream for this food factor. It is quite as reasonable to object to the sale of polished rice or patent flour; indeed, skimmed milk and its "compounds" surpass either of these foods in nutritious properties.

The opponents of "filled" milks (representing a special industry) have tried to exclude them on the plea of "menace to public health." No public health question is involved. The claim is a specious one. The House bill represents a fight between industrial "interests," and I am confident that the medical profession would not admit that any wholesome food is a menace. Life and health are not endangered; on the contrary, I have long believed that our national nutrition would be benefited if, instead of discarding the milk separated from cream in the butter industry—instead of converting a unique food into roof paint, etc.—we encouraged the greater use of the nonfat part of the milk in the kitchen in the preparation of food. The milk compounds represent a device for conserving food exceptional with respect to protein, vitamines, and particularly salts of lime which so few natural foods contain and which many persons really need. The by-products of butter production should be conserved. Has not agriculture been blinded to the importance of the nonfat parts of milk for nutrition? Are you ready to sanction economic waste of food by a new form of prohibition on the invalid plea of harmfulness to children who do not make use of the product?

He goes on to say in conclusion of a long statement that this entity or this quality called vitamine is always in skimmed milk. This is an established fact by all the great physicians and surgeons who investigated this question. Now, again listen to this:

Several years ago McCollum stated in a brief note that fat soluble A is about thirty times more soluble in fat than in water, in which case skimmed milk will contain about half as much of this vitamine as whole milk. On the other hand, Mellanby, studying experimental rickets in puppies, and Hess and Unger in their studies of the clinical rôle of the fat soluble vitamine, appear to have assumed that their experimental diets could contain considerable amounts of skimmed milk, either in fluid or solid form, and still be nearly devoid of the fat soluble vitamine. According to our experience, skimmed milk contains a very significant amount of fat soluble vitamine, probably about half as much as whole milk, as McCollum's brief statement would imply.

Our experimental evidence of the presence of significant amounts of fat soluble vitamine or "vitamine A" in skimmed milk is twofold. (1) Young rats placed at weaning upon a diet in which dried skimmed milk was the sole source of vitamines have grown steadily (though at less than the maximum rate) for three months or more, trebling their body weights and remaining free from eye disease and in good general condition. Such results in rats of this age can be obtained only on diets furnishing significant amounts of "vitamine A." (2) Rats which had been brought to the typical condition of declining body weight and characteristic eye disease due to deficiency of fat soluble vitamine in their food have been cured by the feeding of skimmed milk powder. (A third type of experiment may be mentioned which, while it would not be conclusive alone, affords interesting confirmation. Rats which have failed to grow upon a diet of white bread grew with extraordinary rapidity for some time (though not to full adult size) when the bread was supplemented by dried skimmed milk only. The latter of course supplemented the bread in several ways, but unless the skimmed milk had furnished important amounts of fat soluble vitamine such rapid and extensive growth would hardly have been possible.)

That was a statement unqualified by the highest authority in this land on this subject. And so, gentlemen, this effort is made here before this Chamber to push through a bill for the benefit of the special dairy business, and to try to push it through by the tail of a rat is absurb and ridiculous and should not be recognized by intelligent people. [Laughter and applause.]

Mr. OLIVER. Will the gentleman yield?

Mr. ASWELL. I will yield.

Mr. OLIVER. Did the gentleman ascertain whether a single State of the Union has passed a law prohibiting the sale of this product?

Mr. ASWELL. Some few of the States have.

Mr. OLIVER. Was any consideration given to limiting the bill to the importation of this product into those States where its sale was forbidden?

Mr. ASWELL. None whatever, but I will say to the gentleman from Alabama that the passage of this bill, if constitutional, would in no way affect the States because factories in any State of the Union could do an intrastate business.

Mr. OLIVER. Was any testimony submitted that this product was poisonous or injurious if used for the purposes you stated the label on the can had advised it to be used for?

Mr. ASWELL. I will say to the gentleman from Alabama gladly, that during all the hearings, lasting many days, that question was raised time after time and the evidence was overwhelming that this product is not unwholesome, not deleterious, and not injurious to health, absolutely without question. On the contrary, it was argued before that committee time after time that one of the great needs of this country is to encourage the larger use of milk and milk products. The important fact here is that the farmers of the country have not been correctly informed as to the meaning of this bill. The records show that during the last year this milk compound created a market for skimmed milk in this country of 200,000,000 pounds, ranging from 35 to 65 cents per hundred pounds, and that these 200,000,000 pounds of food heretofore have been abandoned or thrown away. Therefore these milk compounds have brought into use in this country for baking and cooking purposes 200,000,000 pounds of skimmed milk not heretofore used at all and for which there was no market at all.

Mr. BANKHEAD. That would approximate about $100,000,000 a year?

Mr. ASWELL. At least. And why should the milk-producing farmer be fooled into supporting this monstrous bill against his own business?

Mr. GERNERD. Can you give me the nutritive value of coconut oil, which is substituted for the butter fat extracted from the milk?

Mr. ASWELL. Go down to the Tropics and you will find people live largely on it.

Mr. GERNERD. I have not heard anything in the hearing that told me anything about the value of coconut oil as a substitute for fat.

Mr. ASWELL. Can you tell the value of lard and tallow from the cow, and all that sort of thing?

Mr. GERNERD. I think that is beside the query I have made, because that is not entering into the manufacture of condensed milk.

Mr. ASWELL. Gentlemen, the proposition is this: If you propose to prohibit the sale and manufacture of milk compounds, you must in honor bound proceed at once to prohibit the manufacture and sale of lard compounds and patented and mixed flours, because they have the same relation to public health. These milk compounds sell on an average of 3 cents a can cheaper than the other. And I am convinced, gentlemen of this committee, that any man at this time and in this crisis in our country's history who would shut away from the poor people of the country any kind of wholesome food must shudder with responsibility for the results that are to follow. Any man who will advance the price of food products now is treading upon dangerous ground, and that is what is proposed to be done here.

Mr. KETCHAM. Do I understand the gentleman to carry the impression to the committee that this product is sold at a cheaper price?

Mr. ASWELL. It is. The record shows the average is 3 cents a can less.

Mr. KETCHAM. I would be very glad to submit observations to the contrary.

Mr. ASWELL. Your observations will not avail anything when you have the testimony of the people who sell it.

Mr. KETCHAM. I have evidence on the other side.

Mr. ASWELL. All right; produce it. [Applause.]

[Editorial from the Detroit News, August 26, 1921.]

THOSE SKIMMED MILK BILLS.

Pending before Congress are several bills designed to prevent or discourage the production of compounds of skimmed milk and vegetable fats. These had their origin and are finding active support in the organized dairying interests, but they should be given consideration by consumers generally.

The arguments are not new. About the same line of charges have been made against oleomargarine. Brought to absolute sincerity, the dairy people would probably have to admit that their greatest solicitude is for their profits. But they lay much larger stress upon the supposed menace to public health.

This contention is not very well sustained. Dr. Lafayette B. Mendel, of Yale University, is quoted as saying: "The opponents of filled milks have tried to exclude them on the plea of menace to the public health. The claim is a specious one. The House bill represents the fight between industrial interests, and I am confident that the medical profession would not admit that any wholesome food is a menace. I have long contended that our national nutrition would be benefited if, instead of discarding the milk separated from the cream in the butter industry, we encourage the greater use of the nonfat part of the milk in the kitchen in the preparation of food."

Of course it will be admitted that most people prefer unskimmed and unfilled milk to skimmed milk reinforced with coconut oil. Most people like butter better than oleomargarine. But many people can not have everything they prefer. And Congress has no business to hinder the production of food acknowledged to be wholesome because the competition of its manufacture endangers the high prices of other foods acknowledged to be of superior quality.

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[From the New Orleans States, May 4, 1922.]

VITAMINES FOUND IN ORDINARY FOOD—DOCTOR HOLT SAYS DON'T—PEOPLE HAVE BECOME UNDULY EXCITED.

(By John Goldtrom.)

WASHINGTON, May 4.—The vitamine theory is a passing fad, and all the energizing qualities the average person requires are contained in ordinary food, Dr. L. Emmet Holt, of New York, told the Congress of American Physicians and Surgeons.

Doctor Holt said that while the study of vitamines had been of value to the medical profession in determining their places in dietetics he deplored the commercialization of special foods which has followed the publicity given the subject.

"The recent stressing of the importance of vitamines in food is a fad which will pass and the medical profession should not be carried away by it," said Doctor Holt. "Before vitamines it was autointoxication, and now we have been blaming our troubles on the lack of vitamines in certain foods. Practically all the common foods contain all the vitamines the average person needs."

—

COTTONSEED OIL.

ARCTIC ICE CREAM CO.,
Detroit, Mich., April 22, 1922.

Hon. JAMES B. ASWELL,
Washington, D. C.

DEAR MR. ASWELL:

* * * * * * *

We were able to get a small quantity of hydrogenated cottonseed oil which seemed to work out very satisfactorily, but the manufacturer of this oil was only able to give us an experimental quantity. He stated * * * that it would be six or eight months before he would have the necessary equipment installed to furnish us with sufficient quantities of this product. From the limited tests which we made of the hydrogenated cottonseed oil it seemed to be entirely satisfactory and we think we will be able to use this product.

Just at the present time we are experimenting with the addition of various quantities of egg yolk to our compound milk. The object in adding the egg yolk is to supply the fat soluble vitamines which the dairy interests claim are lacking in compound milk. The egg yolk is very rich in fat soluble vitamines, considerably more so than butter fat, and it was our thought that by adding a small percentage of egg yolk to our compound milk we could provide the necessary fat soluble vitamines and offset all the claims of our opponents as to the milk not being as suitable as whole evaporated milk for the purposes of infant feeding.

It is not our intention to sell this new product for purposes of infant feeding. We will continue selling compound milk for cooking and baking purposes as we have been doing, but we will be able to meet the objections of the dairy interests by proving that our milk is fortified with the fat soluble vitamines which they claim are necessary. So if all this product is used for infant feeding it will be just as satisfactory from a nutritional standpoint as the regular whole evaporated milk. As a matter of fact, though very little evaporated milk of any kind is used for infant feeding, the sweetened condensed milk is used almost entirely for this purpose.

We have been in the business for some time, and the first use of compound milk for infant feeding we ever heard of came to light in Pittsburgh just recently. Our sales manager happened to be there on a trip and one of our broker salesmen asked him why we put the warning on the label, "Do not use in place of whole milk for infant feeding." Our sales manager replied that it is claimed by some people that compound milk is not suitable for that purpose and that in the absence of more definite information we advised against its use. The salesman then replied that in calling on the retail trade a grocer had asked him about this use of compound milk and told him he knew of a certain woman in the neighborhood who had raised her youngster on our compound milk and that he certainly was a healthy-looking youngster. Out of curiosity we investigated the case. The child's mother told us she had raised the infant on "Carolene" and that he was perfectly healthy and normal in every respect. Our sales manager, Mr. Carroll, brought back a photograph of him, and he certainly is the picture of health. Nevertheless, we do not sell our milk for purposes of infant feeding. No form of canned milk should be used for that purpose, and very little evaporated whole milk or compound milk is so used.

On the other hand, a considerable quantity of sweetened condensed milk is used, and the Borden Co., who are active in supporting this bill, have built up a considerable business from the use of their "Eagle" brand sweetened condensed milk for this purpose. We can get any number of nutritional experts who will tell us that Borden's "Eagle" brand sweetened condensed milk is a very poor infant food and that the large excess of sugar contained in it is very apt to result in digestional disorders in infants. We feel they are doing infinitely more harm to the youth of the Nation in advertising and pushing the sale of their sweetened condensed milk for infant-feeding purposes than can ever result from the use of compound milk.

We are going to have a feeding test conducted using our new compound milk, containing egg yolks and regular whole evaporated milk, and compare results. Our chemists tell us they are certain the new compound milk will prove to be just as good, if not better, as a growth-promoting food than regular evaporated milk. We are going to have these tests run by two different independent laboratories, but it will be some time before the results will be available.

* * * * * * *

Yours truly,

CAROLENE PRODUCTS CO.,
By GLEN P. COWAN.

—

CHICAGO, *April 28, 1922.*

Hon. J. B. ASWELL,
House of Representatives, Washington, D. C.

DEAR MR. ASWELL: I just received a copy of one of the latest books on the subject of vitamines. It is entitled "The Vitamines," and is by H. C. Sherman, professor of food chemistry, Columbia University, and S. L. Smith, specialist in biological and food chemistry, United States Department of Agriculture. Both of these men are considered authorities in the field of biological chemistry.

On page 182 of this book they comment on the fat soluble vitamine content of skimmed milk as follows:

"It is important to note that milk contains much more of the fat soluble vitamine than is contained in its fat globules. According to a brief statement made by McCollum, the vitamine A in a given volume of milk is about equally divided between the fat globules and the aqueous portion. This would mean that skimmed milk will contain about one-half as much vitamine A as whole milk, and dry skimmed milk will be about one-third as rich in vitamine A as is butter fat. Sherman, MacLeod, and Kramer (1920 proceedings Soc. Exptl. Biol. Med., vol. 17, p. 41), while not measuring quantitatively the relative amounts in whole and skimmed milk, have confirmed the fact that skimmed milk is an important source of vitamine A, though, of course, by no means comparable with whole milk in this respect."

This is of particular interest to me, in that the statement previously made by McCollum is corroborated by Sherman, MacLeod, and Kramer. Compound milk, of course, has all of the water soluble B and C vitamines which regular whole evaporated milk contains, and according to the above approximately one-half of the fat soluble A vitamines. It would seem, then, by the addition of a quantity of egg yolk, which is known to be very rich in fat soluble vitamine A, we can make our compound milk just as valuable from the vitamine standpoint as is regular whole evaporated milk.

* * * * * * *

We are arranging now to get the feeding experiments started, and as soon as the results are available I will send them to you.

Yours truly,

CAROLENE PRODUCTS CO.,
By GLEN P. COWAN.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. VOIGT. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. VOIGT. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, the object of the legislation proposed in the so-called filled milk bill, now before the House, is to suppress fraud and deception by prohibiting the manufacture and shipment of filled milk in interstate or foreign commerce, a counterfeit generally conceded to be a gross menace to public health, especially to that of infants and invalids. The manufacture and use of filled milk, the bogus milk, has resulted in undernourishment and faulty diet, and has undoubtedly caused much disease and loss of life.

According to the testimony printed in the hearings, the business of making filled milk is profitable and flourishing. According to figures furnished the Bureau of Markets, the manufacture of the substitute has increased from 30,488,267 pounds in case goods in 1917 to 84,044,000 in 1920, about 275 per cent. Bulk goods decreased from 4,540,640 pounds to 2,517,000 during this period, a net increase in the production in three years of 51,532,098 pounds. According to the statement of Mr. McKee, representing the Hebe Co., that company has about 22 plants in the States of Washington, Oregon, Idaho, California, Colorado, Wisconsin, Illinois, Michigan, Pennsylvania, and New York, scattered from the Pacific to the Atlantic coast.

The process of manufacturing this product is simple. The cream or butter fat is withdrawn from the whole milk and coconut fat is substituted in its place. This is done at a low expense. The profit to the manufacturer is largely in removing and selling the butter fat, the superior product, which is now selling at about 42 cents a pound, and importing the coconut fat, the present price of which is from 9 to 12 cents a pound, and substituting it for the butter fat removed. This, at present prices, nets a profit of 30 cents a pound on every pound substituted, or as stated by Mr. McKee in hearings on filled milk before the Committee on Agriculture:

> Mr. MCKEE. Out of the amount which it would take to make a case of milk—105 pounds. Then the coconut fat which we substitute for the butter fat costs us 12 cents. That is the present market. Then the cost of that 3.744 pounds of butter fat would be forty-four and a fraction cents—about 45 cents. So the gain to us by the extraction of the butter fat and the substitution of the coconut oil is a little over 86 cents a case. To-day the price of evaporated milk in carload lots in Chicago, where we sell it, is $5. The price of Hebe in Chicago in carload lots is $3.60. In other words, we get $1.40 more a case for evaporated milk than we get for the compound, making a difference in the selling price of the two products of $1.40 (p. 87).

The gentleman from Alabama seems to contend that the value of one product is equal to that of the other.

Mr. ASWELL. Will the gentleman yield? I did not make that proposition.

Mr. HAUGEN. The nutritive value of unadulterated milk and butter fat is well known, both in its use by human beings and animals. As to the wholesomeness of milk, as compared to that of the substitute, I refer to the statement of Dr. E. V. McCullom, of the School of Hygiene and Public Health, Johns Hopkins University, who, during the last 15 years, has confined his efforts solely to the study of nutrition problems and is generally recognized as the greatest authority on the subject. I quote from Doctor McCullom's statement before the committee:

> Now, gentlemen, during the last 15 years I have confined my efforts solely to the study of nutrition problems. Everyone who is competent to speak on this subject is in accord with every statement which I have ever made. (P. 20.)
>
> Mr. TEN EYCK. Does this product sour the same as other milk?
>
> Doctor MCCULLOM. Any milk that has been sterilized does not sour as ordinary milk sours. The souring of milk is due to the growth of the lactic acid producing organism, and that, of course, is destroyed in the process of sterilization.
>
> Mr. TEN EYCK. Then it is like condensed milk in that respect?
>
> Doctor MCCULLOM. Yes. (P. 11.)
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> * * * * * * *
>
> Doctor MCCOLLUM. There are three substances now commonly known as vitamines which the diet must contain in order to promote satisfactory health in any animal or in any human being. This being the case, it behooves us to consider what foods contain these substances, the chemical influence of which we do not know, but the physiological effects of the lack of which in the diet we fully understand, both from human experience and from animal experimentation. It behooves us to inquire where we can secure each of these three substances in satisfactory amounts.
>
> All that, gentleman, has come down to this, that there are only three kinds of diet which ever have succeeded in the satisfactory nutrition of men or animals. One of those does not concern us very much here, but for the sake of completeness I will mention it. That is the strictly carnivorous diet, the diet where one animal eats another or where man eats an animal. Some of the American Indians were carnivorous people. The Eskimos are carnivorous people. There are a few examples elsewhere, but they form only small groups of the human family.
>
> The second type of diet which succeeds is * * * of green leafy vegetables, of which we eat very small amounts. We do not like these things; we never have learned to like them: and we are not likely to come to the unpalatable, unattractive diet which has been forced by poverty on millions of orientals.
>
> I might say that this one outstanding feature of the diet of the oriental people, the consumption of enormous amounts of leafy vegetables, such as spinach, lettuce, cauliflower, Brussels sprouts, sweet potato leaf, vines, etc., is the factor which makes those people as successful as they are. But how successful are they? Look at the Chinaman who does your laundry and see what he is. Almost without exception he is an undersized individual. He is poorly developed physically. Look at the Japanese—a small and physically inferior people. The Japanese children born in California in the last 15 years are larger in both sexes and in all ages, notably larger, than are the children of Japanese born in Japan. Why? Just because the diet of America is a better diet than the diet of Japan.
>
> The third type of diet which succeeds is the diet which in Europe, in America, and on the plains of Asia has been used from time immemorial. That is the diet consisting of cereals, tubers, legume seeds, and meats, along with liberal amounts of dairy products. The cook has in truth been the foster mother of the human race.
>
> * * * * * * *
>
> Now, gentlemen, look at what exists to-day. There are no finer people anywhere in the world than the Arabs, the Bedouins of Arabia, the tribes of the Sahara, who are all milk drinkers. The finest people in Europe are the people of Rumania, Bulgaria, and the Balkan States generally, of Scandinavia, of Switzerland, Scotland, and parts of England, those places where milk and dairy products form one of the prominent, the most prominent constituent of the diet (pp. 20 and 21).
>
> Mr. THOMPSON. You spoke awhile ago, Doctor, of the great races on the Asiatic plains that used sour milk; you used the word "sour."
>
> Doctor MCCOLLUM. Yes, sir.
>
> Mr. THOMPSON. I would like a little more light on that subject, along with the buttermilk question.
>
> Doctor MCCOLLUM. * * * If milk is boiled and some of the constituent elements or acids destroyed, then it rots and becomes unfit for use. But if they allow it to sour, it does not rot and they have the wholesome advantage of its use. There is no objection to the sour milk itself; it is wholesome.
>
> Mr. THOMPSON. How about buttermilk?
>
> Doctor MCCOLLUM. Buttermilk is wholesome, except that buttermilk is milk from which the fat has been extracted and a certain amount of sugar in it has been transformed into an acid.
>
> Mr. TEN EYCK. Does not buttermilk create a certain acid or germ in the stomach or intestine which destroys other and harmful germs, and is not that the reason why the Belgians are the longest-lived people, due to the eating of the curd, which creates this helpful germ?
>
> Doctor MCCOLLUM. Yes; there are some acids in buttermilk which are good in other ways, anyway.
>
> Mr. TEN EYCK. Let me ask you, if milk were not used at all and vegetable oils substituted, what effect would it have?
>
> Doctor MCCOLLUM. It would make the interior a skeleton, so to speak, and affect the life history and longevity of the individual and hasten the time at which senile characteristics would appear. (P. 36.)
>
> * * * * * * *
>
> Doctor MCCOLLUM. During the last two years we have been studying one of the greatest national health problems; that is, the problem of rickets in children. Rickets is faulty bone growth. I can not tell you how frequent it is. Recovery is the rule, but recovery with physical inferiority is also the rule. Recovery with more or less physical deformity is also the rule. * * * Doctor Hess, one of the famous physicians in New York, says that nearly 100 per cent of the children of New York have rickets. In Baltimore some of the famous specialists say that from 50 to 60 per cent of our children have rickets in infancy. (P. 30.)
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> * * * * * * *
>
> Doctor MCCOLLUM. We have in this country, mostly throughout the South, a disease called pellagra. Pellagra was discovered in this country about 1908 or 1909. It had been alarmingly on the increase up to about two or three years ago, up to 1917, when we found, according to the Public Health Service representatives, that there were about 170,000 people with that disease. * * *
>
> The great research in pellagra has been done by Dr. Joseph Goldberger, of the Public Health Service. He has shown very clearly that it is a disease of the undernourished, of the poorly nourished. It is a disease which the well fed never have, and those who have it in a mild way, in the early stages, recover on a satisfactory diet, and there is no other effective treatment for it than satisfactory diet.
>
> * * * Doctor Goldberger has shown conclusively—and his papers are in the public health reports—that pellagra disappears from orphanages, from insane asylums, and from hospitals when pellagra patients are fed on the right kind of diet. In 1916 he produced pellagra experimentally in man, in the case of 5 or 6 out of 11 volunteers from the State prison of Mississippi (p. 24).
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> * * * * * * *
>
> Mr. KINCHELOE. The point I am asking for information on is this: If it is not deleterious to the health of the individual——
>
> Doctor MCCOLLUM (interposing). It is deleterious.
>
> Mr. KINCHELOE (continuing). When it is used in baking, cooking, and in coffee, if it is not deleterious when so used, why should the people who want to use it be deprived of it?
>
> Doctor MCCOLLUM. I should say that these defects in these substitutes will not take the place of the milk, if we are to have an optimum diet; if we are to have an optimum diet, you have got to adhere to the milk. If you take something out of it——
>
> Mr. KINCHELOE. * * * I am going to agree with you that it is not good for infants.
>
> Doctor MCCOLLUM. It is not good for adults either.
>
> Mr. KINCHELOE. You said awhile ago that it was not deleterious for use in baking, cooking, and in coffee.
>
> Doctor MCCOLLUM. It is deleterious, in so far as it crowds out other things that are in the whole milk, and which these substitutes are intended to take the place of (pp. 34, 35).
>
> * * * * * * *
>
> Doctor MCCOLLUM. The thing for us to do, gentlemen, is this: We are as a Nation now using approximately half a pint of milk per day per person. * * * We should take at least a quart of milk per day, or its equivalent, and we should reduce our meat consumption to ap-

proximately 5 per cent of the total energy value of the diet; whereas we are now taking from 10 to 13 per cent, according to statistics I have gathered in numerous boys' schools and other institutions.

Mr. KINCHELOE. What would be your substitute for that meat?

Doctor MCCOLLUM. The substitute would be the quantity of milk which I have described—a quart of milk per day for every individual in the land, half as much meat as we are taking, and then the cultivation of the practice of using green salad dishes just as far as our appetites and our interest in our own physical well-being will permit us to. (P. 26.)

* * * * * * *

Doctor MCCOLLUM. To make it as clear to you as I can, let me say that this is not a matter of a single experiment; it is a correlation which we can make through an experience covering 15 years and covering about 4,000 carefully conducted feeding experiments of all degrees of length from a few weeks to the full span of life of the animals. (P. 23.)

* * * * * * *

Doctor MCCOLLUM. My parting statement, gentlemen, will be this, that there is no question but what milk is the only food for which there is no effective substitute. It is not a question of whether there is some food value in skimmed milk, as to whether we can not get along in some peculiar situation, that one might not get along if a suitable amount of eggs were included in the diet every day. It is not a question whether technically you can bring before a legislative committee of this sort a situation which might work in a satisfactory manner without this food. But this is the point, that we are educated to use milk. We are a people who for hundreds of generations have depended upon dairy products as a prominent article of our diet. We know how to use it, and we like it. We have an agricultural industry which can not remain a permanent one—there can be no permanent system of agriculture without an animal industry to go with it. Which animal industry are you going to maintain?

This is not a public health aspect in its nearer relations, but in its fundamental relations it is. How are you going to maintain a permanent system of agriculture? Phosphorus and potassium are the limiting factors in the soil of America. We have no deposits of phosphorus and no adequate deposits of calcium that will meet the agricultural needs of this country for fertilizer. If we are going to take off the farms continually the cereals and other crops, if we are going to remove the valuable food from the farm, then we sell the fertility of our farms. You will be doing then what has been done in New England, in New York, in Pennsylvania, and is now being done in the Northwestern States; you will crop your soils out until they will produce no more until certain elements are put back, because they were robbed from the soil. (Pp. 32 and 33.)

Doctor Erf, of the Ohio State University, secretary of the Ohio Dairymen's Association, and their feeding adviser, stated before the committee:

We had a number of experimental cages of white mice. As near as I can recall, those that were fed on Hebe weighed about 45 grammes and those that were fed on milk weighed 182, I think. (P. 165.)

The testimony of Doctor McCollum and Doctor Erf and the facts ascertained in the many actual experiments should satisfy all that the use of counterfeit is deleterious to the health of not only infants but adults as well.

Eleven States have enacted laws restricting the sale of filled milk—Oregon, California, Utah, Colorado, Wisconsin, Ohio, New York, New Jersey, Maryland, Florida, and Connecticut.

Mr. JOHNSON of Mississippi. I have heard what the gentleman said about this fraud that is being practiced, if there is fraud practiced, but I would like to have the gentleman tell us where he gets the constitutional authority for prohibiting the shipment of this food in interstate commerce when it has been shown by the author of the bill, the gentleman from Wisconsin [Mr. VOIGT], that it is not injurious or deleterious to human health, but merely unwholesome. Where do you get your constitutional authority for prohibiting the shipment?

Mr. HAUGEN. Let us settle the first question as to its being a fraud and injurious to human health.

Mr. JOHNSON of Mississippi. In view of the child labor law the first decision in the child labor law——

Mr. HAUGEN. When we have settled the first question we will have no trouble in settling the second—the constitutionality of the bill.

Mr. VOIGT. Will the gentleman yield to me?

Mr. JOHNSON of Mississippi. The gentleman can not deny that nux vomica will kill a mouse, but will not contend that it would necessarily kill a human being?

Mr. HAUGEN. If you will turn to the testimony before the committee, which I have quoted from Doctor McCollum, an unquestioned authority on this matter, you will find that he states that it is deleterious to the health of not only infants but adults as well. The investigation made and the facts ascertained by Doctor McCollum and Mr. Erf go to show that it is injurious to health, and if injurious to health and a fraud, Congress undoubtedly has the power to regulate its manufacture and sale in interstate commerce.

One contention is that the pure food and drugs act requires the labeling of cans, and if that law is properly enforced no further legislation is required. Labeling is important, but it is not sufficient in itself to protect the public health. The labeling of the cans in which the substitute is sold does not protect the vast number of people who are unknowingly served with it in hotels, restaurants, and boarding houses; besides, there are thousands of people in this country who can not read a label. The substitute is bought largely by the ignorant. Many do not even look at the label, much less read it, when purchasing it. Evidently much of it is labeled to conform with the pure food and drugs act, as, for instance, the Hebe, a popular brand, is labeled:

Net contents 1 lb. Avoirdupois. Hebe Reg. U. S. Pat. Off. A Compound of Evaporated Skimmed Milk and Vegetable Fat. Contains 7.8 per cent vegetable fat: 25.5 per cent total solids. The Hebe Company. Offices: Chicago–Seattle, U. S. A.

And also contains the statement—

For Cooking, Baking, Coffee. Do Not Use In Place of Milk for Infants.

To this there is no charge made as to misbranding food in interstate commerce. If not properly labeled, or if misbranded, the Department of Agriculture could, under the pure food and drugs act, suppress the practice.

In discussing the matter of properly marking the cans in which the filled milk is sold and printing a warning on the containers against the use of the substitute for certain purposes, Doctor McCollum had the following to say before the committee:

Mr. KINCHELOE. Why could they not be protected by the prescription on here saying, "Do not do that"?

Doctor MCCOLLUM. That would protect those who are capable of reading and who take the trouble to interpret the labels, but I am speaking in behalf of those tens of thousands of uneducated mothers, of foreign mothers, who are not capable of reading that label. We are protecting the public against poisonous drugs, in so far as it is possible, by laws and ethical considerations regulating the actions of pharmacists. That is the best we can do (p. 34).

Undoubtedly much of this substitute is sold as real compound milk and not as filled milk, and at the same price as the real article. The following testimony before the committee would so indicate.

Mr. ENGELS. I might also add, supplementing his remark, I was dictating a little to my stenographer yesterday afternoon. He had just gotten back from a visit to New Hampshire, and the people he visited up there were paying 17 cents a can for Carolene and thought it was a full evaporated milk, and they were amazed when they found out that it was not (p. 169).

Mr. CLAGUE. In connection with what the gentleman has stated, I wish to have it appear in the record that I inquired at a large number of stores in Washington just to find out the price of Hebe within this last two weeks, and condensed milk, and almost without exception the price was the same. I did not go to 156, but I went to quite a large number of the leading grocers in this city.

* * * * * * *

Doctor LARSON. Week before last these 156 stores sold the real product for 9 cents for the large can and the filled milk for 10 cents (p. 126).

Another matter worthy of consideration is the importance of agriculture, its future progress and prosperity, which is the very foundation of our Nation's growth and greatness. All wealth springs from Mother Earth. Our bread basket was essential in winning the war. All agree that upon the tiller of the soil depends the stability of our Nation and the happiness of our people. When we turn to the census reports we find that more than half of the American people live in rural districts. We find that more than 6,000,000 farmers and 6,000,000 farm laborers, tilling more than 6,000,000 farms, produced last year 5,600,000,000 bushels of cereals, which is about one-third of the production of cereals in the world, and about 917,000,000 bushels of wheat, which is about one-third of the wheat produced in all the world. We have 43,000,000 head of cattle, 23,300,000 milch cows, giving more than 8,500,000,000 gallons of milk. We have 71,000,000 swine, 49,000,000 sheep, and 19,500,000,000 pounds of meat, pork and mutton. Our factories and mills have for some time been running on part time, with only 35 per cent production. This has not caused much disturbance. True, there is an occasional local disturbance here and there. The failure of a crop, or only a 35 per cent production of crop, would cause not only a national calamity, but great alarm throughout the world. The fertility and productivity of the soil, the yield, and the crops are dependent upon the dairy cow. Without the dairy, the rejuvenating of the soil, we would have a shrinkage in yield and depletion of the soil, and as a result the farms would be deserted. If so, the dairy and this legislation is not only to the interest of our 6,000,000 farmers and 6,000,000 wage earners on the farm, but to all of our people. It is unnecessary to say that just laws to prohibit the manufacture and sale of the counterfeit, and an honest enforcement of such laws, are necessary.

In my opinion fraud, made possible by counterfeiting, should not be tolerated. It should be prohibited in every form. In my opinion the counterfeiting of milk is just as unjust, if not more so, as the counterfeiting of gold dollars. Counterfeiting a $10 gold piece robs the victim of $10. The counterfeiting of 100 pounds of butter fat, worth $35, by substituting for it 100 pounds of coconut fat, worth $12, and selling the compound at milk prices, not only robs the victim of $23, but if served to infants or invalids it may rob him of his child or other member of his family.

The counterfeit of milk is on a par with the counterfeiting oleo for butter. We have had much experience with oleo laws. Thirty-two States, with five-sixths of our total population, enacted laws prohibiting the sale of yellow oleomargarine. According to Secretary Gage's report, 5,492 dealers were then engaged in selling the counterfeit oleo in violation of the State laws. They sold in 1889 in those 32 States 62,825,582 pounds of yellow oleomargarine made in semblance of butter, while 1,501 dealers sold 16,860,141 pounds in the remaining States. Iowa had a drastic law prohibiting the coloring of substitutes in imitation of butter or cheese, and requiring that every package be plainly marked "Substitute for butter," and that each sale be accompanied by a verbal notice and printed statement that the article was an imitation and giving the address of the maker, and also requiring that the use of the imitation in hotels and bakeries must be made known by signs. Nevertheless, as shown by Secretary Gage's report, three dealers sold 79,927 pounds of yellow oleomargarine in the year 1889 in the State of Iowa, every pound of it sold in violation of the law and every pound thus sold displaced a pound of butter and robbed the dairy producer of his legitimate market. B. P. Norton, then dairy commissioner of Iowa, stated in a letter:

I have no doubt that we are injured $2,500,000 every year for the benefit of the oleomargarine producer and the consumers are not at all benefited.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. We all believe in just laws and an honest administration of such laws. We can not be contented with anything else. Legislation not to deprive an individual, corporation, or interest of a single dollar honestly acquired, but legislation to promote progress, prosperity, and happiness to all our people, to see to it that nobody is imposed upon, that all are given adequate protection against counterfeiting, resulting in fraud and deception; yes, against any invasion on the part of unscrupulous interests in order that we may have the fullest development of every worthy and legitimate enterprise, certainly legislation to protect the health and lives of our people. [Applause.]

I ask unanimous consent to incorporate in my remarks excerpts from the hearings.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JACOWAY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

The CHAIRMAN. The gentleman from Louisiana is recognized for five minutes.

Mr. KINCHELOE. Mr. Chairman, I think we ought to have more people here to hear the discussion. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-six Members are present—not a quorum.

Mr. KNUTSON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. No quorum is present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Copley	French	Kinkaid
Anthony	Coughlin	Frothingham	Kitchin
Atkeson	Crago	Gallivan	Kline, N. Y.
Barkley	Cramton	Garrett, Tenn.	Knight
Beck	Crowther	Glynn	Kraus
Blakeney	Cullen	Goodykoontz	Kreider
Bland, Ind.	Dale	Gould	Kunz
Bland, Va.	Davis, Minn.	Graham, Ill.	Langley
Boies	Dempsey	Graham, Pa.	Larson, Minn.
Brand	Dickinson	Griest	Layton
Britten	Drane	Griffin	Linthicum
Brooks, Pa.	Drewry	Hammer	McArthur
Brown, Tenn.	Driver	Hawley	McFadden
Burke	Dunbar	Himes	McKenzie
Cantrill	Dunn	Hogan	McLaughlin, Pa.
Carew	Ellis	Hudspeth	McPherson
Chandler, N. Y.	Evans	Ireland	Maloney
Chandler, Okla.	Fairchild	James	Mann
Christopherson	Favrot	Jefferis, Nebr.	Mansfield
Clark, Fla	Fenn	Johnson, S. Dak.	Michaelson
Classon	Fess	Johnson, Wash.	Mills
Cockran	Fields	Kahn, Calif.	Mondell
Cole, Iowa.	Fish	Kelley, Mich.	Montoya
Collins	Focht	Kelly, Pa.	Moore, Ill.
Connell	Fordney	Kendall	Morin
Connolly, Pa.	Foster	Kennedy	Mudd
Cooper, Ohio.	Free	Kindred	Nelson, A. P.
Nelson, J. M.	Reber	Stafford	Tyson
Newton, Minn.	Riordan	Stiness	Upshaw
Nolan	Rogers	Stoll	Vaile
O'Brien	Rosenbloom	Strong, Pa.	Vare
Ogden	Rouse	Sullivan	Walters
Oldfield	Rucker	Sweet	Wason
Olpp	Ryan	Tague	Wheeler
Paige	Sabath	Taylor, Ark.	Williams, Tex.
Park, Ga.	Sanders, Ind.	Taylor, Colo.	Winslow
Patterson, N. J.	Sears	Taylor, Tenn.	Wise
Pringey	Sinnott	Tillman	Wood, Ind.
Rainey, Ala.	Smith, Idaho	Tilson	
Rainey, Ill.	Smithwick	Tinkham	
Reavis	Snyder	Treadway	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce and finding itself without a quorum, he had caused the roll to be called, whereupon 270 Members responded to their names, a quorum, and he submitted a list of absentees for entry in the Journal.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The time now stands as follows: The gentleman from Arkansas [Mr. JACOWAY] has 70 minutes remaining. The gentleman from Wisconsin [Mr. VOIGT] has 61 minutes remaining. The Chair recognizes the gentleman from Arkansas.

Mr. JACOWAY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

The CHAIRMAN. The gentleman from Louisiana is recognized for five minutes.

Mr. LAZARO. Mr. Chairman, yesterday we passed the bill giving agriculture representation on the Federal Reserve Board, and soon we will pass the bill extending the time of the War Finance Corporation. Both of these bills are nonpartisan and meritorious and should become law. I wish to discuss both bills briefly, first the bill giving agriculture representation on the Federal Reserve Board.

When we take into consideration the fact that the Federal Reserve Board is not created for the purpose of making loans only, but to decide on a general policy to be pursued, it seems to me highly desirable that the various basic activities of this country should be represented on the board. It is important that there should be on this board some man who is agriculturally minded, who appreciates the effect upon agriculture and upon prices of certain large policies in administrating our great credit machinery. I think it is highly desirable that inasmuch as the law already provides for representation, industrially and commercially, we should add agriculture, which certainly is the basic and fundamental industry of this country. Surely all must agree that in considering, financially, industrially, and commercially, the industries of the country, agriculture also should be included.

The bill extending the time of the War Finance Corporation merely extends the operation of credit facilities we are already familiar with. I was one of those who helped to revive the War Finance Corporation, and I do not know of any other measure that did more to help agriculture and business throughout the United States than this measure. The people are just beginning to learn its benefits and are asking that it be continued. It is realized now more than ever that it is absolutely necessary to have better credit facilities in order to have ample production and intelligent marketing. We are not asking for special benefits for special sections or classes, but fair and equal treatment for all the people engaged in all the industries of the country. When all the industries are represented in the operations of our laws there will be less contempt for the law and more prosperity and happiness among our people.

Agriculture has been brought to a point where its future is imperiled, where it is bound to go backward unless real relief is to come soon. The need of a constructive national program looking to the rebuilding of agriculture is absolutely necessary. That fact is appreciated by business men and laborers everywhere. It is plain to all now that there must be production and prosperity on the farms if we are to have employment and good wages in the cities. What contributes to the prosperity of agriculture unquestionably benefits all industries. It is not class legislation to demand that agriculture has as good credit facilities as any other business. It is legislation in the interest of all classes. It seems to me that it is high time for us to understand that if we are to revive agriculture, business, employment, and prosperity in this country we must adopt a national constructive agricultural program.

First. This program must include representation of agriculture in the Government bureaus that have to decide upon

policies governing loans. There must be longer terms and a lower rate of interest.

Second. The perfecting of our laws facilitating cooperative marketing.

Third. Laws punishing severely illegitimate speculation in the exchanges of the country. The larger part of the living cost to-day is added to the price of food and clothes after they leave the farmers' door. This the consumers in the big centers should understand, and when they do I am sure they will cooperate and support us in demanding that our system of distribution be protected from these gamblers.

Fourth. The extension of better warehousing facilities, where our products can be stored without danger of being damaged by the elements, graded intelligently, and negotiable certificates can be issued permitting the owners to use them in their daily business transactions.

Fifth. Perfecting of the farm loan system, with the view of encouraging home ownership. This is not only good business but it is vital to the preservation of our country and its institutions against the spread of radicalism.

Sixth. The recognition of the tariff as a nonpolitical and economic problem, with the view of giving equal protection to our agricultural products that is given to our manufactured products, not with the idea of enriching a few at the expense of the many, but reasonable protection to maintain our American standard of wages and living.

Seventh. Better and cheaper transportation facilities, which will come to us only when we adopt a comprehensive system of transportation, coordinating the use of good roads, railroads, and waterways.

Eighth. Business and economy in local, State, and National government, with the view of reducing the burden of taxation. We are going through a period of reconstruction and unrest, and I believe our people are more interested in the immediate and proper solution of these big problems than they are in politics. I believe, too, that they expect us to work here as Americans rather than partisans in passing the laws that are necessary to give the country relief. [Applause.]

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. VOIGT. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, I shall support this bill without any hesitation. Its purpose is to prevent the shipment in interstate commerce of an article which is at once fraudulent and injurious. There is not any question in my mind as to the constitutionality of this act. The evidence before the committee and the report of the committee show clearly that while it is labeled correctly, it is sold as a fraudulent product; that it is represented to be milk; that it is sold as milk when, as a matter of fact, it is not milk.

Perhaps the most valuable element in milk is the butter fat, which in filled milk has been entirely removed. The most valuable constituent of butter fat is that mysterious and hitherto almost unknown substance that we now call "vitamine," and without which it is virtually impossible to sustain human life. The substitute which is used for butter fat is entirely without vitamine, and therefore that which is of most value in the milk, which is admitted to be the most valuable of all human food, has been abstracted and taken away from this product.

The evidence before the committee shows quite clearly that this product is sold in the neighborhoods where in many cases the people are either so ignorant or so unacquainted with the English language that they can not know and do not understand the labels that are placed upon it, and in that way it is in fact a fraud that is perpetrated upon them.

The evidence also shows that it is represented in many cases by the dealers in milk to be really evaporated or condensed milk, which it is not.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WALSH. This measure, of course, will not prevent these ignorant people from purchasing it if they live in the States which manufacture it?

Mr. TOWNER. The gentleman is correct.

Mr. WALSH. Would the gentleman contend that we would have jurisdiction to prohibit the shipment of skimmed milk in interstate commerce because it did not contain the butter fat?

Mr. TOWNER. I do not know whether we would or not. That is not the proposition, and we have not the evidence as to that that we have in this case. The evidence in this case clearly establishes the fact that there is a fraud being perpetrated in the sale of this milk in interstate commerce; and if it is a fraud, then it is constitutional to prohibit its transportation in interstate commerce. If it is a misbranded article, it is perfectly within the jurisdiction of Congress to prevent its being sold in any form. The pure food law has been sustained upon almost every possible ground that could be imagined. And the Supreme Court has always held that if the article sold was deleterious, that if it was in any way a fraudulent article, it could be prohibited from interstate commerce; and in this case the testimony goes so far as to show that so eminent an authority as one of the physicians of Johns Hopkins University says that an infant fed on this milk would certainly have rickets within a short time. That is the condition under which this bill is presented.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. Has the gentleman any further time that he can grant me?

Mr. VOIGT. I yield the gentleman two minutes more.

Mr. TOWNER. Now, why should not this legislation be passed? If it is constitutional under the authorities, why should we not protect the lives of the children of the United States? If we can be of any assistance within our lawfully constituted powers in so vitally important a matter, ought we not to do it? If a fraud is being perpetrated which is injurious to the health of the babies and the children of the United States, ought we not to do our part to try to prevent it?

Mr. WALSH. I dislike to interrupt the gentleman when he has such a short time, but why does not this come under the pure food law as it is now on the books? If this be a fraud and deleterious, why does it not come under the pure food law?

Mr. TOWNER. Simply because under the provisions of the pure food law, unless it is misbranded, even when it is an adulteration of an article, if it is not misbranded it may be sold. Of course, the difference lies purely in the fact that this is not, in fact, misbranded. It is given some kind of an artificial name, and the wrong and the injury comes because it is, in fact, in the form of milk, and is sold in cans of exactly the same size, and those who purchase it are made to believe that it is, in fact, condensed milk, so that in reality it is a fraud perpetrated upon the people who above all others in the world ought not to be injured. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the so-called Voigt filled-milk bill is one of the most meritorious measures to come before this House in a long time. The bill seeks to put a stop to a flagrant fraud that has been perpetrated upon the babies of the Nation for a number of years, and its passage has been urged by women's clubs and civic bodies as well as farmers' organizations from every section of our land.

Just what does this bill propose? Simply this: To prevent the introduction of filled milk in interstate commerce, and I am amazed that there should be those in this body who would prevent its enactment on constitutional grounds. Mr. Chairman, I am not a lawyer, therefore I will not attempt to discuss this measure from a legal angle. I do hold, however, that Congress has the right to enact this legislation, for it is clearly in the interest of public welfare. Years ago Congress legislated on oleomargarine and it was upheld by the courts. This legislation is on all fours with the oleomargarine legislation, and if it is carried into the courts it will surely be upheld.

There is absolutely nothing that can be said for filled milk. It is an indefensible fraud that has been perpetrated on unsophisticated foreigners for the past six or seven years. The manufacturers extract from the whole milk all the butter fat and vitamines, which is replaced with an equal amount of refined coconut oil. The butter fat is worth about 45 cents per pound, while the substitute is only worth 7 or 8 cents. The adulterated product looks like the genuine article, but it is absolutely without value as a food, and the poor babies to whom it is fed become undernourished and emaciated. It stunts the poor little things in body and soul, and yet there are those who plead for the manufacturers of these damnable articles of fraud and would have us believe they are honest, upright business men.

Dr. E. V. McCollum, of Johns Hopkins University, recently conducted a series of very interesting experiments on the effect of feeding filled milk to rats. These experiments were made at the request of the Committee on Agriculture of the House. I herewith append the result of these investigations:

FACTS ABOUT "FILLED MILK."

[Issued by the National Milk Producers' Federation, Washington, D. C., May, 1922.]

M'COLLUM'S EXPERIMENTS ANSWER CONGRESSMAN'S DOUBTS.

* * * * * * *

We are giving here, for the first time, the official result of the experiments, so that you may know what value filled milk compounds have in promoting growth.

The experiment conducted by Doctor McCollum was among the 4,500 or more which he has conducted in nutrition work.

In these investigations the filled milk compound and the whole evaporated milk used were purchased in cans at retail, in the open market, and represented the product used in family consumption. Both classes of the product were made by the same manufacturing concern.

Several groups of rats were used in making the experiments. They were alike in breeding, age, health, and general condition. The rats were about 40 days old at the beginning of the experiments.

Doctor McCollum divided his rats into different groups according to the ration fed. The filled-milk group, the evaporated whole-milk group, and the coconut-oil group. The filled-milk group and the evaporated-milk groups were subdivided into two classes, according to the amount of filled milk and evaporated milk used in the ration. * * *

The rat No. 1 was of the evaporated milk group, which was fed the following ration: Rolled oats, 60 per cent; salt, 1 per cent; lime, 1½ per cent; dextrin, 15 per cent; together with 22.5 per cent of evaporated whole milk.

He grew steadily. His hair is slick with the natural gloss. His eyes are bright, skin healthy and tough. This group carried on under this diet for 163 days and at the close of the investigation was used for demonstrations in other experimental fields.

The rats of the filled-milk group were divided into two classes. Seven rats of one of these subgroups were fed a ration of rolled oats, 60 per cent; salt, 1 per cent; lime 1½ per cent; dextrin, 15 per cent; and filled milk, 22.5 per cent. These rats early developed symptoms of xerophthalmia, the fatal eye disease. They were not over half the size of the rats of the evaporated whole-milk group. * * * The bodies are emaciated. The hair coarse, thin, and dry. Bodily these rats were deformed and the ribs knobby. Their eyes had a fishy, glazed appearance with deep fissures in the lids. In 48 days four of the rats of this group died. At the end of 55 days the remaining three of the group had also died. * * *

The second class of the filled-milk group of rats were fed a ration of rolled oats, 60 per cent; salt, 1 per cent; lime, 1½ per cent; dextrin, 15 per cent; and 90 cubic centimeters of filled milk. Four rats were in this group. These rats all developed xerophthalmia, the fatal eye disease. They were also badly emaciated and exhibited the same general characteristics as the rats of the other filled-milk group. At the end of 119 days all had died.

The coconut-oil group of rats were fed the same basic ration as the rats of the other groups. Fifteen per cent of coconut oil, however, replaced the filled milk or whole evaporated milk used in the ration of the other groups. Six rats were in this group and 39 days after the beginning of the feeding all were dead. All developed severe cases of xerophthalmia. * * *

Numerous cases of xerophthalmia in children have been cited, particularly where there has been a lack of whole milk, butter, or other vitamine-carrying foods in the diet.

Aside from the lack of vitamine content filled-milk compounds are fraudulently sold to an extensive degree as milk.

In very many cases unscrupulous dealers recommend filled milk as equal to or better than whole evaporated milk.

These compounds have also been recommended by some retail dealers as satisfactory food for babies. They are generally sold at the same and even higher prices than whole evaporated milk.

—

TEN REASONS WHY CONGRESS SHOULD PASS THE VOIGT BILL.

[By Charles W. Holman, executive secretary, National Milk Producers Federation.]

ELEVEN STATES THAT BAR FILLED MILK WITHIN THEIR BORDERS.

Ohio, New York, Wisconsin, New Jersey, California, Utah, Colorado, Maryland, Oregon, Florida, Connecticut.

There are at least 10 major reasons why Congress should pass the Voigt bill, H. R. 8086, prohibiting the movement in interstate and foreign commerce of so-called filled milk.

Here they are:

PUBLIC WELFARE.

1. Labeling methods enable fraudulent practices to thrive.

2. Many merchants in poorer communities recommend imitation milk for the use of children and babies.

3. Many merchants advertise imitation milk in the newspapers in plain language for genuine milk.

4. While the product is inferior as a food, in most cases we have found merchants selling imitation milk at the same prices and even higher than they obtained for genuine evaporated milk, notwithstanding the cheaper price per case at which they obtained the imitation product.

5. The present pure food and drugs act is not broad enough to cover the case. The Voigt bill supplements it. Its enforcement will be intrusted to the Department of Justice.

6. The Voigt bill is a children's bill; it bans the movement in interstate and foreign commerce of a compound that is vitamineless as to its fat content, but which is designed to take the place of a product rich in all the vitamines.

7. Trading concerns have attempted to sell imitation milk to American organizations engaged in feeding children and mothers in Europe. Both the American Friends Service Committee and the American Relief Administration have been approached and both organizations turned down the proposals.

8. Dr. E. V. McCollum, of Johns Hopkins University, in his public statements points out that America is already suffering from defective nutrition, due in part to the commercialization of certain foods and the degerminating of cereals to enable them to keep longer. He also points out the growing use of vegetable fats—all of which are vitamineless—in the diet. He reasons from this that the substitution of imitation milk in the diet of either the child or the adult will have quite an effect in furthering the process of physical degeneration now going on.

ECONOMIC.

9. Despite regulatory, restrictive, and prohibitory laws in 11 States—Colorado, Oregon, California, Utah, Wisconsin, Ohio, New York, New Jersey, Maryland, Florida, and Connecticut—the filled-milk traffic has been steadily gaining.

Production of filled milk, in both case and bulk goods, was:

	Pounds.
1919	64,995,221
1920	86,561,000
1921	64,893,731

In this same comparative period the production of sweetened condensed and unsweetened evaporated milk, both case and bulk goods, was:

	Pounds.
1919	2,030,957,648
1920	1,578,015,000
1921	1,461,140,312

This shows a constant production for "oiled" milk for 1921 as compared with 1919, and a steady reduction in volume of genuine canned milk amounting to over half a billion pounds, comparing 1921 with 1919.

10. Canning whole milk is one of the best ways of helping to find a market for the national whole-milk surplus. It enables the farmer or the manufacturer to seek wider markets and to effect gradual marketing. This medium is now seriously threatened by the advent of these compounds of skimmed milk and coconut oil. The manufacturer is enabled to purchase the coconut oil at 8 to 12 cents per pound—a price ranging from one-fifth to one-fourth the price of butter fat. Such a wide difference in production costs can not be met by milk producers. They are constantly faced with increasing expenses due to the increasing desire of both the producing and the consuming public for more sanitary milk products.

Finally, "oiled" milk does not offer farmers any additional market for their skimmed milk not already afforded by evaporated milk, but it does take away a market for their butter fats.

Mr. Chairman, filled milk has the same deadly effect on babies, and it is in behalf of the little ones that I plead. Let us pass this legislation without delay and thereby do much to safeguard the health and lives of those who will be our citizens of to-morrow.

Mr. TINCHER. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-six Members are present; not a quorum.

Mr. VOIGT. Mr. Chairman, I move that the committee do now rise, and I request that that motion be voted down.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. VOIGT. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided, and the tellers [Mr. VOIGT and Mr. JACOWAY] announced that there were—ayes 3, noes 89.

The CHAIRMAN. The committee declines to rise; a quorum is not present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Dunn	Knight	Rodenberg
Atkeson	Ellis	Kraus	Rogers
Bankhead	Evans	Kunz	Rosenbloom
Barkley	Fenn	Langley	Rouse
Beck	Fess	Larsen, Ga.	Ryan
Bell	Fields	Larson, Minn.	Sanders, Ind.
Blakeney	Focht	Layton	Sanders, N. Y.
Bland, Ind.	Fordney	Linthicum	Sears
Bland, Va.	Frear	Little	Smithwick
Boies	Free	McArthur	Snell
Brand	French	McFadden	Snyder
Britten	Frothingham	McLaughlin, Pa.	Sproul
Brooks, Pa.	Gallivan	McPherson	Stafford
Campbell, Pa.	Garrett, Tenn.	Madden	Stedman
Cantrill	Garrett, Tex.	Maloney	Stiness
Chandler, N. Y.	Goodykoontz	Mann	Stoll
Chandler, Okla.	Gould	Mansfield	Strong, Pa.
Christopherson	Graham, Ill.	Michaelson	Sullivan
Clark, Fla.	Graham, Pa.	Mills	Sumners, Tex.
Classon	Griest	Montague	Sweet
Cockran	Griffin	Moore, Ill.	Tague
Cole, Iowa	Himes	Morin	Taylor, Ark.
Cole, Ohio	Hudspeth	Mudd	Taylor, Colo.
Collins	Hukriede	Nelson, A. P.	Taylor, Tenn.
Connell	Humphreys	Nelson, J. M.	Tilson
Connolly, Pa.	Ireland	Nolan	Tinkham
Cooper, Ohio	James	O'Brien	Treadway
Copley	Jefferis, Nebr.	Oldfield	Tyson
Coughlin	Johnson, S. Dak.	Olpp	Upshaw
Crago	Johnson, Wash.	Paige	Vaile
Cramton	Jones, Pa.	Park, Ga.	Vare
Crowther	Kahn	Parker, N. Y.	Ward, N. Y.
Cullen	Kelley, Mich.	Patterson, Mo.	Wason
Dale	Kelly, Pa.	Patterson, N. J.	Wheeler
Davis, Minn.	Kendall	Porter	Williams, Ill.
Dempsey	Kennedy	Rainey, Ala.	Winslow
Denison	Kindred	Rainey, Ill.	Wood, Ind.
Dickinson	Kinkaid	Reavis	Woodyard
Drane	Kitchin	Reber	Wright
Driver	Kleczka	Riddick	Zihlman
Dunbar	Kline, N. Y.	Riordan	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 8086, finding itself without a quorum, he had directed the roll to be called, and that 268 Members, a quorum, had answered to their

names, and that he presented the list of absentees to be entered in the Journal and RECORD.

The committee resumed its session.

Mr. WALSH. Mr. Chairman, the pending vote is that the committee do now rise, is it not?

The CHAIRMAN. That vote was defeated.

Mr. WALSH. But there was no quorum developed.

The CHAIRMAN. A quorum has now been developed. There is a quorum present.

Mr. WALSH. The vote was pending at the time, but the absence of a quorum was developed. We took the vote by tellers, and it appeared on that vote that there was no quorum present. Is not that now the pending question before the committee?

The CHAIRMAN. The question is on the motion that the committee do now rise.

The question was taken, and the motion was rejected.

Mr. VOIGT. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CLARKE]. [Applause.]

Mr. CLARKE of New York. Mr. Chairman, Josh Billings once remarked that he had seen many things on milk, but the best thing was cream. [Laughter.]

Members of Congress, when they go to the House restaurant and order mush and milk or bread and milk for their luncheon, as many of us do, have their milk served in bottles, and invariably you will see the Congressman inspecting the bottle to see how rich the milk is in the cream that rises to the top.

If you take this cream off or separate it from the milk and extract an additional amount with the separator, you get so-called skim milk or thin milk. If you take this skim milk or thin milk and partially evaporate it, then substitute for the cream taken away coconut and vegetable oils, you have "filled milk."

This bill (H. R. 8086) seeks to prohibit the shipment of so-called "filled milk" in interstate and foreign commerce.

The facts in the case are: There has grown up in this country a business of very considerable proportions, estimated to consume about 200,000,000 pounds of skimmed milk per annum. The product of this business is called "filled milk" and bears various trade names, such as "Hebe," "Enzo," "Nutro," "Nyko," and so forth. Filled milk is an evaporated skimmed milk, and may be properly defined as "any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added or which has been blended or compounded with any fat, or oil other than fat, so that the resulting product is in imitation or semblance of milk." Through the skillful wording of the labels and the more skillful manipulating of distributors, this filled-milk product is palmed off on the unsuspecting public as a whole-milk product. In simpler and less technical terms "filled milk" is evaporated milk from which the cream has been removed and, for the cream taken away, there has been substituted from 6 to 8 per cent of coconut or other vegetable oil. In the process of manufacturing this "filled" milk there has been taken out of that original, healthy, whole-milk product not only the cream but a large proportion of the essential, indispensable, nourishing element, the fat soluble or vitamines that experts in dietetics or nutrition include as an invaluable element of milk. Professor Mendel, of Yale, and Professor McCollum, of Johns Hopkins, the two leading authorities, agree that these vitamines are essential for a well-rounded ration for humankind, especially in the feeding of infants and small children.

"Filled" milk, when put to a laboratory test, shows that mice and rats that have been fed on it waste away, become scrawny, mangy, undernourished, and susceptible to disease, while others fed on the whole milk—under exactly similar conditions—are strong, vigorous, healthy, and almost immune from disease. It naturally follows that humankind, especially children and infants, fed on this milk do not obtain these healthy vitamines and are undernourished and often become subject to and susceptible of disease, especially rickets. This "filled" milk product finds its largest market in the industrial centers where foreign born live, and its victims are children.

On the economic side I point to the lesson of experience. Dairy centers in the Middle West, with great effort and at a heavy expense, had developed a large foreign market for whole-milk cheese. This market was promising, not alone in the large demand for this wholesome, healthy product, but in the prospect for enlarging the markets through the years, when along come Avarice and Cunning in the guise of "filled" cheese manufacturers, filled with an inordinate greed for profits, taking advantage of the situation developed by these pioneer dairy interests and they began underselling with their "filled-milk" cheese, so that with this semblance of the real thing incalculable injury was done the dairy farmers, and this foreign market so laboriously built up was destroyed. The present bill proposes that history shall not repeat itself with this fundamental "filled" milk product, and further proposes to prevent the sacrifice of infants on the altar of greed.

Arguments were presented at the hearings that these "filled" milk products were properly branded and came within the scope of the so-called "Food and drugs act of June 30, 1906." To show the flimsiness of their arguments one has but to turn to the records of the hearings, where it was admitted by the manufacturers themselves that—although they still keep up the rest of the imitation—they have changed the wording of the labels, not once or twice but many times, to meet the demands of public opinion and to try and keep within the law.

These "filled-milk" manufacturers claim it is not within the power of Congress to prevent the interstate transportation of their product. I now invite your careful attention to the "Pure food law," and especially to section 7 of that act that defines the adulteration of food, as follows:

> That for the purpose of this act an article shall be deemed adulterated * * * In the case of food:
>
> First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength, or purity.
>
> Second. If any substance has been substituted wholly or in part for the article.
>
> Third. If any valuable constituent of the article has been wholly or in part abstracted, or if the product be below that standard or quality, strength, or purity represented to the purchaser or consumer.

I wish to call your attention to these words in the first paragraph of that act:

> An article is deemed adulterated (in the case of food) when any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength, or purity.

Can anyone successfully contend that the natural, whole milk, from which has been taken its cream, or 50 per cent of the fat, soluble vitamine, is not such an article as to come squarely within the wording and intent of the first paragraph of section 7?

But let us proceed a step further, and in the second paragraph of that same section 7 is this wording:

> If any substance has been substituted, wholly or in part for the article.

And surely in the "filled milk" there has been substituted for the cream vegetable oils.

In the third paragraph of section 7 we find the absolute conviction of these misbranders and "filled-milk" manufacturers, where the language is again clear and beyond peradventure, for it says that an article of food is adulterated "if any valuable constituent of the article has been wholly or in part abstracted," and it is a certainty that from the whole milk the valuable constituent cream has been abstracted. So that this "filled milk" comes not within one paragraph of section 7 but within each of the three paragraphs. The whole conception, intent, and wording of this section is founded upon the theory that the law was not only to guard the public health but to prevent fraud upon the public.

Let us take one of these labels on their cans and see what it says. "This product contains 7.8 per cent vegetable fat, 25.5 per cent total solids." What does this language mean to you, Mr. Congressman? If you find difficulty in comprehending it, how about the poor and illiterate mother? But Mr. Hayward, a friendly witness for the manufacturers of this "filled milk," explains this to mean that 7.8 per cent of the 25 per cent is milk solids and fats and that 7.8 per cent of the 25 per cent, or 25½ per cent, is vegetable fat and the balance 50 per cent water. This is the product these "filled milk" producers want to send out in disguise—an impoverished milk compound—to unfairly compete with the wholesome, healthy, life-sustaining vitamines, the pure, wholesome, natural product of the cow.

Now, let us briefly examine the question of the constitutionality of the so-called Voigt bill now before us.

First. I contend that Congress may prohibit the transportation in interstate and foreign commerce of any article the use of which may be regarded as injurious to the public welfare, and maintain that this "filled milk" is such an article.

In the leading case of Gibbons *v.* Ogden (9 Wheat. U. S.) Chief Justice Marshall sets forth the intent of that power—i. e., to prohibit the transportation in interstate and foreign commerce—as follows:

> It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case * * * or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress absolutely as it would be in a single

government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. * * *

And in the celebrated Lottery cases (188 U. S. 321) it has established the principle that the power of Congress to regulate interstate commerce also includes the power to prohibit the interstate carriage of any article deemed by Congress to be injurious in its nature or in its use to the public health, morals, or welfare, despite the fact that the article is not inherently dangerous. I could continue to cite cases in point, but there are others to follow me whose ability is greater, and I shall not trespass upon your time and patience, leaving the cases cited as conclusive on that proposition.

In laying down the second fundamental proposition, that is—

that Congress, having the power to prohibit the interstate transportation of adulterated and harmful foods, Congress must necessarily have the power to determine what articles are to be considered adulterated or harmful as a means of making the prohibition effective.

This power is an incidental power, but it was clearly recognized by the Supreme Court in the leading case of McDermott v. Wisconsin (228 U. S. 115, 129) as follows:

* * * The article of food or drugs, the shipment or delivery for shipment in interstate commerce of which is prohibited and punished, is such as is adulterated or misbranded within the meaning of the act. What it is to adulterate or misbrand foods or drugs within the meaning of the act requires a consideration of its other provisions, wherein such adulterations or misbranding is defined.

The third proposition I submit to you for consideration is this:

Congress has the power to prohibit interstate shipments of "filled milk" and the power to establish the standard of purity and strength of foods, it being clearly established that Congress has the power to set up standards so as to secure a minimum of the nutritive elements in whatever the product may be and prevent fraud on the general public.

On the face of the proposition these manufacturers of "filled milk" come before you with their product packed in cans similar to those of the long-established whole-milk manufacturers, bearing labels intended to resemble and copies almost of the very labels of the whole-milk containers, the very language of which is intended to deceive the poor, the ignorant, and the careless reader; so I claim, with the above statement of the facts and the decisions of our highest court, they do not come into court with clean hands, and it is up to this Congress, having set up the standards under the pure food and drugs act, to see to it that those standards are lived up to by all and make impossible the interstate shipments of this product.

Having viewed the technical situation and met the legal objections that may be raised, I now wish to present the picture of the dairy farmer in its general aspects. The exploited age of agriculture is nearly over; cheap farms and homesteads are no longer to be had for the asking. Our original rich soil has become impoverished, and the great majority of the farmers would not have farms to-day if they had not received them from their ancestors. If they had to depend upon their earnings, with agricultural conditions as they are to-day, they would be unable to accumulate the price to buy a farm. It can be said, to the everlasting credit of this Congress, that there is no legislative body in the nations of the world that has recognized more clearly that nearly all of the great problems in economics, in their direct or indirect relationship, rest upon agriculture. It can be further truthfully said, that no Congress stands out more conspicuously in its record of giving an attentive ear, a sympathetic attention to, and enacting constructive legislation that establishes on a more equitable basis the agricultural problems left in the aftermath of the war.

The intensive study of these problems given by the Joint Commission of Agricultural Inquiry of the Senate and the House, the great agricultural conference, and the almost continuous hearings, in my own Agricultural Committee, have been reflected in constructive legislation that has indeed been helpful, not alone in its direct relation to this particular subject but in a wider way to agriculture in general.

This bill (Voigt bill) has for its direct object the prevention of fraud upon the public, the elimination of dishonest competition, the prevention of tricky practices that fall down when put to the test of morals, whether it be the manufacturer or the distributor who takes from his shelf, packed in cans made to imitate the real product, this "filled-milk" product, with the recommendation "just as good," that he sells for the same uses as the genuine, whole-milk product, and it costs the distributor at least 3 cents per can less. The whole object of this bill is shutting the door to these practices that do not meet the standard of common honesty in man's dealings with his fellow man, and to prevent the helpless infant, the poor, ignorant, or illiterate mother from being victimized by avarice and cunning. [Applause.]

Let us look on the humanitarian side for a moment. Unbiased investigators have gone into the poor and thickly settled sections of our industrial centers and have visited, through their visiting nurses, the homes of laborers, and they have found everywhere this product injurious and dangerous for human consumption, the larger part of the nutritive value extracted, and many mothers feeding their helpless children something which they suppose contains nutritive value and vitamines.

The dairy farmers, of whom I am one, come to you to-day, not pleading for a special privilege, not wanting to dig into the Treasury of the United States, not afraid to meet open, fair competitive business, but claiming that as part and parcel of the great fundamental industry of the Nation—yes, as the real backbone of that Nation—they are entitled to be protected from trickery and artifice and fraud in the marketing of their products, whether it be at home or abroad. [Applause.]

No limit marks our hours of labor; the sunrise of morning and the sunset of evening finds us "on the job," and when the day's work is done we plan for the morrow.

There is no class of citizens to-day that enters into the hazards and gambles in the production of the necessities of life that we farmers do; we gamble with Nature in her whims and moods, whether it be the rainfall or the drought; whether it be in the snowstorm that blankets the earth and protects the seed, or in the crust that forms upon the snow and prevents the "cattle on a thousand hills" from getting down to the grass roots, so that starvation and ruination often result; whether it be in the sunshine that causes the seed to sprout and grow or sometimes scorches the earth and destroys the growing crop, or causes the bud and blossom to come forth that bring joy and inspiration to those that "in love of nature hold commune with her visible forms"; whether it be the birds that fly that are sometimes friend and sometimes enemy, or the beetles that crawl; whether it be in those small animals that burrow in the earth and destroy or those that in that same sphere destroy the enemy, it is a continuous struggle, not alone against the seen but as well against the unseen. [Applause.]

To-day our great Agricultural Department and its splendid, sympathetic, well-informed Secretary Wallace are urging the farmers of the North, East, South, and West to rotate their crops, and as the incident of that urging is the encouragement to an enlargement of dairy farming. We must go, therefore, into the markets of the world with our surplus products, and we ask you to assure our dairy farmers by this act that clean, wholesome, healthy, nutritive whole milk shall have no fraudulent competitors to destroy our markets once established. [Applause.]

I am from one of the greatest dairy districts in the world, the scene of many of Cooper's "Leather Stocking Tales," of Uncas and Chingachook, the playground of my youth, my choice, after roaming the country over, for my last rendezvous and final resting place. The Catskills, the land of narrow valleys and precipitous hills, a land largely peopled by the Scotch and Scotch-Irish, who overcame not alone the Indian but Nature herself. On those wondrous hills and in our enchanting vales are those who toiled with my grandparents, my parents, and myself. Boyhood friends abound, and for them as for myself, I plead. And as I plead for them, I plead for the dairy farmers of the great State of New York and the dairy farmers of the North, East, South, and West, for the cause is a common cause, and we look to Congress, certain that it will not fail us, nor that multitude of unborn who shall enter into the better heritage it becomes our paramount duty to pass on. [Loud applause.]

Mr. TUCKER. Mr. Chairman, I never had a clearer idea of my duty than I have of my duty on this bill. To my mind there is no doubt of the unconstitutionality of the proposed bill.

This bill seeks to exclude from interstate commerce "Hebe," "Carolene," and other compounds of skimmed milk and cocoanut oil and other vegetable oils because neither babies nor rats thrive thereon, as stated by Dr. E. V. McCollum, of Johns Hopkins University. (See hearings before the Committee on Agriculture, House of Representatives, Sixty-seventh Congress, first session, on H. R. 6215, by Mr. VOIGT, p. 19.)

But the hearings also show beyond all question that "Hebe" is a wholesome article, not injurious to health, palatable, and largely used for cooking purposes in pastry, custards, gravies, and so forth, though not as nutritious as but cheaper than skimmed milk. There is no doubt or question on either side that this compound is properly labeled, stating that it is composed of cocoanut oil and skimmed milk, and the cans also contain a label "Do not use in place of milk for infants." (Hear-

ings, p. 34; also p. 128, Cowan's evidence.) Mr. VOIGT himself, the patron of this bill, on page 15 of the hearings, uses this language:

I will say to you gentlemen that there is nothing poisonous or deleterious in this milk compound.

Prof. La Fayette B. Mendel, of Yale University, an expert of high repute on these subjects, in a letter addressed to Hon. JOHN D. CLARKE, a member of the Agricultural Committee of the House of Representatives, shows most clearly that this product is wholesome and valuable, and while not a food on which to raise babies, is harmless if taken by babies. He says:

I mention this because the opponents have spread the impressions among gullible persons that the use of a can of milk compound is a positive menace to the infant which consumes it. Skimmed milk is not a rank poison. It is merely not a complete food for an infant; neither is barley water nor "prepared foods." (See hearings, p. 53.)

See also Dr. J. P. Crozer Griffith's letter (p. 58 of the hearings); also statement of Harry Hayward, of Philadelphia, Pa. (hearings, p. 57); and others maintaining the same view.

That the label is adequate and sufficient is shown by the statement of Mr. Paul R. McKee (hearings, p. 70), where he states that the Bureau of Chemistry of the Department of Agriculture, with the food-control officials of a number of States, were advised as to the adoption of these labels, and they were indorsed by these gentlemen, and then they were told:

Gentlemen, if there is anything else we should put upon the label or leave off of the label in order that the product shall be sold for what it is, we will be very glad to have your suggestions and to follow them.

Thus showing no attempt to deceive the public, but *uberrima fides* in dealing with the public.

These are sufficient to show that the compound is pure, wholesome, and cheap; that good faith has been shown by the makers of it; and the Department of Agriculture has given its sanction to the labels on the cans by which the public may know exactly what is contained in the article.

Now, gentlemen, I challenge the production of a case from the beginning of our Government down to this day in which the Supreme Court has held that an article which is pure, harmless, not deleterious, but an ordinary article in the business of the world, has ever been excluded from the interstate commerce of the country. I challenge the production of such a case. Why, one of the chief objects that induced the formation of our Government was to facilitate commerce. You will remember the Annapolis convention, the forerunner of the Federal convention, met for that purpose, and yet we are asked to vote for this bill whose aim is to destroy commerce, when our Government was formed to facilitate it.

When we look at all powers vested in Congress as trust powers to be used for the States as beneficiaries and as members of one family of Commonwealths, so to be used as to promote union and not disunion, to establish harmony and peace and not discord and hostility between the States, it must be inevitably predicted that the courts will never hold any law of Congress which prohibits, restricts, or ties interstate commerce to be either necessary or proper as a regulation of commerce, but they must hold it to be a perversion of its trust power to the subversion of the fundamental principles of the Constitution. (Tucker on the Constitution, vol. 2, p. 529.)

The broad doctrine laid down in the above paragraph, it may be said, has not been carried out by the subsequent decisions of the Supreme Court, for in Chapman *v.* Ames (188 U. S. 321) the court excluded lottery tickets from the channels of commerce; and in the Hipolite Egg Co. *v.* United States (220 U. S. 45) the court upheld the pure food and drug law, which excluded impure food and drugs from interstate commerce; and in Hoke *v.* United States (227 U. S. 308) the "white slave traffic act" was upheld, whereby a woman was forbidden carriage in interstate commerce for purposes of prostitution, and this case was followed by Caminetti *v.* United States (242 U. S. 470), in which the same doctrine was upheld.

Diseased meat, smallpox patients, infected articles of any character, have been excluded from commerce, and this principle has been affirmed in the cases of Railroad Company *v.* Husen (95 U. S. 465); Kimmish *v.* Ball (129 U. S. 217); Crutcher *v.* Kentucky (141 U. S. 60); and notably in a case that went up from Virginia, Brimmer *v.* Rebman (138 U. S. 78). How are these cases reconciled with the doctrine declared by Tucker, in the above quotation, when he says—

* * * the courts will never hold any law of Congress *which prohibits, restricts, or ties* interstate commerce to be either necessary or proper as a regulation of commerce.

There is no conflict between that statement and these cases, and in a subsequent paragraph, in discussing the conflict between commercial regulations by Congress and the inspection laws and quarantine laws of the States, which may conflict with such regulations, he declares:

A vessel proposes to enter the harbor of a State under congressional commercial regulations, and the State, to protect its people from disease, quarantines it. These two powers seem to conflict, but they do not, except as both operate upon the movement of the vessel, though from different sources of power. The vessel is subject to two powers, which are entirely different but not in conflict. The State does not check a rightful object of commerce. It merely erects a bar against disease. Congress regulates the rightful object of commerce, under color of which it can not authorize wrongful commerce. It can not introduce disease, but may a rightful subject of commerce. The two powers are made to consist by restraining the State under color of quarantine from regulating rightful commerce and restraining Congress under color of commerce from regulating the unlawful importation of disease. (Tucker, vol. 2, p. 538; Compagnie Francaise de Navigation *v.* State Board of Health, 186 U. S. 380.)

This view has been strikingly sanctioned by Chief Justice Marshall in the great case of Gibbons *v.* Ogden (9 Wheat. 1), where he says:

It is no objection to the existence of distinct, substantive powers that in their application they bear upon the same subject. The same bale of goods * * * that may be the subject of commercial regulation may also be the vehicle of disease. And the health laws that require them to be stopped and ventilated are no more intended as regulations on commerce than the laws which permit their importation are intended to inoculate the community with disease. Their different purposes mark the distinction between the powers brought into action, and while frankly exercised they can produce no serious collision.

Rightful commerce the court recognizes as free and untrammeled, but there can be no rightful commerce in an impure or diseased article, or an article which is *per se* immoral, like lottery tickets; nor can there be rightful commerce in the transportation of persons for impure or immoral purposes. These are excluded, since it could never have been contemplated that this great Federal power should be the means of producing crime, disease, and immorality.

Two cases have been decided recently which control this case, and show as clearly as the noonday sun that this bill, if it becomes a law, will never receive the sanction of the courts. These are the child-labor cases. The first, Hammer *v.* Dagenhart (247 U. S. 251), was decided at the October term, 1917, and the other, Bailey *v.* The Drexel Furniture Co., decided May 15, 1922. The first case arose under a law which provided that no article made in a factory in which a child under 14 years of age had been employed during the past year could be carried in interstate commerce. This law having been declared unconstitutional by the court, another bill was brought into Congress and became a law, putting a tax of 10 per cent on the gross receipts of any mill or factory that employed a child under 14 years of age in the manufacture of goods. This was declared unconstitutional on the 15th day of May, 1922. Both decisions are far-reaching and important, and practically settle the unconstitutionality of this bill. For the first time in many years the court, with singular clearness and force, has put its seal of condemnation upon the doctrine of *indirection;* a doctrine which has received the sanction of Congress in many cases, as seen in the legislation of the past few years.

Under these decisions a power given by the Constitution to the Federal Government for a specific national purpose can no longer be used by *indirection* for the purpose of controlling questions which belong to the States. The mask has been taken off and the real object of the law exposed, an object which the Federal power could not constitutionally control.

Hear the language of Chief Justice Taft in Bailey against the Drexel Furniture Co.:

In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. How can we properly shut our minds to it?

In these cases two powers were under consideration, the Federal power to regulate commerce between the States and the State's reserved power to control their children and their labor. The first, the commerce power, is under Federal control; the second, child labor, is under the absolute control of each State. Under our system neither power can destroy that of the other. If the one, the commerce power, can be used to accomplish what it is denied the right and power to do directly, the limitations on power are useless and absurd. If the labor of the child is, under our Constitution, controlled by the States, as decided by the Supreme Court, then if Congress by indirection could control that subject the State would be powerless to preserve its right.

Congress has no power to prohibit manufacture in a State, nor to prescribe the conditions under which manufactures may be created, but when the thing manufactured starts on its journey in commerce the Congress has a right to control it as an article of commerce. (Kidd. *v.* Pierson, 128 U. S. 1; Hoke *v.* United States, 227 U. S. 332; De Witt *v.* United States, 9 Wallace, 47; United States *v.* E. C. Knight Co., 156 U. S. 1.) Congress had no power to prohibit the manufacture of whisky in the States by law, and therefore the eighteenth amendment to the Constitution was adopted.

In the bill before us we find Congress denying the transportation of "Hebe" and other compounds from one State to another; but that is really not the object of the bill, for the denial of transportation is nothing but a denial of the manufacture of "Hebe," for "Hebe" is manufactured only to be sold; and if it can not be sold, as it can not be unless allowed transportation in commerce, then this bill is in reality a bill attempting to destroy the manufacture of an article in a State by Congress, which can not be done. Justice Day, in closing his opinion in the first case, does so in these impressive words:

In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce but also exerts a power as to a purely local matter to which the Federal authority does not extend. The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed. (Hammer *v.* Dagenhart, 247, p. 270.)

Chief Justice Taft, in his opinion in Bailey against the Drexel Furniture Co., after indorsing the opinion of the court in Hammer against Dagenhart, supra, uses this convincing language:

The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid.

His language in another part of that great opinion, it is to be hoped, will not fall unheeded upon unpatriotic legislators:

The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power, on the other, our country has been able to endure and prosper for near a century and a half.

The voice of the great Chief Justice from yonder judgment seat is still resounding in these halls, calling us back once more to reinstate in this Government the clear, simple, essential principles of our Constitution; and yet we are asked to pass this bill in the teeth of what the court has just declared to be the law. If we are to live under a constitutional government, if under that government we have established a court whose duty it is to declare what we can do and what we can not do, how can we support a bill which the court has declared in a similar case is unconstitutional?

I am constantly in receipt of letters from patriotic men and women throughout the land, as I doubt not you are, asking my opinion as to the best mode of educating the people against socialism, anarchy, and all the "isms" that are threatening the country to-day. I know of no better start in that direction than that we who are charged with the legislation of this country should bow to the limitations of the Constitution as declared by the Supreme Court and not openly defy them. The employer or the laborer who breaks his contract, involving some necessary article for the public; the anarchist who would destroy our Government will find ample justification for their position in the action of this Republican House which continues to defy the Constitution of our Government which they are sworn to support.

Chief Justice Taft's opinion will be epoch making amid the confusion incident to the war, with legal restraints relaxed, with the Federal Government functioning in every direction under continuing war powers, with the people accustomed during the war to look to Washington for all things as the speediest avenue of relief. It was natural for them to forget on the return of peace that their State governments were the natural channels through which their local needs were to be supplied. Not only that, but socialism, communism, and anarchy itself have, during these troublous times, lifted their voices demanding a change of government or an abolition of all government until the watchers on the towers of the constitutional citadels of America have become greatly alarmed. In this crisis, Chief Justice Taft's opinion rings out like an alarm bell in the night, calling back the wanderers to the constitutional fold, affirming the power of this Government to discharge all national and local powers safely under the Constitution, and giving hope and confidence again in the integrity of our Government.

In my judgment, it constitutes the greatest judgment of that great court since Ex parte Milligan and the Slaughterhouse cases were handed down by Judge David Davis and Judge Miller. Along the highway of political progress the Supreme Court has erected many monuments to the cause of constitutional government and civil liberty, and among them, I dare venture to assert, no grander or more imposing one has been or will be erected than that by the hands of Chief Justice Taft in his recent opinion.

"I do not rejoice in this decision because it will allow child labor to be exploited and the lives of our future men and women to be sapped of their vitality by overwork in child labor, but I rejoice in it because its regulation, development, and enforcement will be restored to the States where it can be best and rightfully controlled. This decision will stimulate the States to greater effort in these directions and create a generous rivalry among them to make their respective systems the most perfect in the interest of the children of the country."

In the two child-labor cases referred to the court held that the laws involved showed a purpose to break up child labor, which was a State function and entirely under the power of the State. The first was a fraud on the commerce power of Congress and the second was a fraud on its taxing power, for each was used for an ulterior purpose. In this case the purpose is equally clear, to drive out of the market, and thereby destroy, "Hebe" and the other compounds of skimmed milk and vegetable oils. The question whether "Hebe" should be allowed to be manufactured is solely for State determination, and Congress has no such power. (United States *v.* DeWitt, 9 Wall. 47; and cases cited, supra.)

It will be admitted that Congress has no power to pass a law prohibiting the manufacture of these articles, but Congress seeks by this bill, by indirection, to do this, for it seeks to destroy the sale of the article; and if the sale be destroyed, the manufacture of the article is destroyed. On this point the evidence is conclusive. The report of the majority, submitted by Mr. VOIGT, on this bill, page 6, unequivocally admits that to be the object of the bill:

While the proposed bill will not prohibit the manufacture and sale of the compound within the limits of a State, the committee is of opinion that a law prohibiting the interstate shipment will suppress it, because a sufficient market can not be found without such shipment, and also because a sufficient milk supply can not be found in many States which would warrant engaging in the enterprise.

And, further, in his evidence at the hearings, page 13, in reply to a question of Mr. TEN EYCK, Mr. VOIGT said:

I want to stop the manufacture and the sale of this article, so far as it can be done by this form of bill.

He is asking Congress to stop the manufacture of this article, which alone the States can do, and which a number of States have already done.

Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation, Washington, D. C., in his testimony at the hearings gave expression to the same view in the following colloquy:

Mr. VOIGT. Will you pardon me just a moment there? This bill will not put the skimmed-milk people out of business.
Mr. KINCHELOE. Not necessarily.
Mr. VOIGT. It puts the substitute out of business.
Mr. SILVER. That is the purpose of the bill.

There is other evidence to the same effect in the hearings.

The Chief Justice, in his opinion, has stripped the mask from the child labor bill and has proclaimed the doctrine that the false face, or mask, which hides the real individual, can not, and will not, prevent the court from dealing with the real individual behind the mask; and he has illustrated once again the futility of attempted deception so powerfully expressed in the story of Jacob and Esau, "the voice is Jacob's voice, but the hands are the hands of Esau." If Congress can not by indirection control child labor by invoking the power of interstate commerce when the court sees or knows from all the circumstances that it is the prohibition of child labor that is sought, how can Congress destroy the "Hebe" business by the denial of it in interstate commerce, when the court can see, with equal clearness, that the power of Congress is invoked for the destruction of a legitimate State business and not to facilitate commerce? Such a bill is a fraud upon the court.

This question is no new one to me or to this House. I remember distinctly in the Fifty-second or Fifty-third Congress that a bill was introduced to put a tax of 2 or 3 cents a pound on cottonseed lard. That was all. It looked like a clear revenue measure; and yet, what was back of it? Hog lard. The two articles were competing in the market, both valuable food articles, but the hog lard the most valuable, because it contained more nutriment it was said. Cottonseed lard, clean, pure, and good, could be manufactured cheaper than the hog lard, and therefore it was taking the market from the hog lard. Here was a clear, open field, but the hog-lard people, feeling the market slipping from them, determined that if they could get Congress

to use the great taxing power of the Federal Government to help them out in their hour of stress, and impose a tax upon their competitor, they might survive the struggle. What a spectacle!

The attempt to use the greatest power of the Government, the taxing power, by one competitor against another to drive him out of business—and this in free America; and this in a country that boasts of equality of opportunity to all men; and this is the same dose that this great Republican House is handing out to the followers of that great apostle of human liberty, Thomas Jefferson, who believed in the slogan "Equal rights to all and special privileges to none." It was a great fight, and I am happy to have been among those who aided in defeating such a proposition. I can imagine no more prolific cause of discontent and hostility to the Government than the adoption of such a principle as is carried in this bill. When the powers of the Government can be used to settle the question of competition in commercial life, the act becomes tyranny.

Pure skimmed milk—bad enough at best, for we all like a little cream on it—is more nutritious, I doubt not, than a compound of skimmed milk and coconut oil. But because pure skimmed milk is better than the other article, and costs more, is no reason why the other article should receive its death blow at the hands of the Government, which has promised all industries a fair show. I am bold enough to believe that there is not a man in Virginia, if he properly understands the object and purposes of this bill, who would not admit it is untenable. Because skimmed milk mixed with coconut oil is inferior to pure skimmed milk as a food product gives no right to destroy the one and exalt the other. This bill proclaims a new doctrine—that if Congress finds that one article of a certain class is best, that all others of the same class should be exterminated.

Take a few examples and see where such a doctrine leads you: Shorthorn cattle for many years were regarded by many as the best breed altogether to be had, but of late the Herefords and the Holsteins are looked upon with great favor. Now, suppose the Shorthorn people, to prevent the competition of their breed with the Herefords and Holsteins, could get Congress to lay a tax of $5 per head on Herefords and Holsteins, or prevent Herefords and Holsteins from being carried in interstate commerce, could any honest man uphold such a law simply because the Shorthorn might be regarded with more favor than the others? Have not Herefords, Holsteins, and other breeds a place in the world for usefulness? Go ask the wives of the farmers of this country whether they would indorse a proposition to have a tax of 25 cents per head upon all Plymouth Rock, Rhode Islands Reds, and Buff Orpington chickens because some people think the little White Leghorn is superior to all others because of its laying qualities. The White Leghorn may be the best altogether, but is there no place for the Plymouth Rock, the Rhode Island Reds, and the Buff Orpington? Are they to be taxed out of existence in favor of the White Leghorns or denied shipment in interstate commerce? Such laws are breeders of anarchy, for the anarchist might well say he would rather have no government than one which uses its power to set up one and destroy another.

I appeal especially to those who claim to be Democrats. We are preparing now to criticize the pending tariff bill in the Senate, which will soon be with us. We charge that our Republican brethren will, as they have done before, having gotten control of the Government, allow the great interests of the country to write their demands in that bill; that that bill, when it passes, will make some people richer and others poorer; and we have always denied the validity of such position; we have always denied that it was the function of government to make any man rich; that its proper function is not to put money in the pocket of any man, but to keep any man from taking money out of the pocket of his neighbor. If this bill is passed and shall become a law, it is an open invitation to any man in business who has competition to come to Congress and get Congress to lay a tax on what his competitor is selling on the specious plea that what he sells is not as good as his article and that what he is selling is better than that of his competitor, or if not put a tax on his competitor, deny to his product the privileges of interstate commerce and thus drive him out of business. From all such bills and all such tyranny, good Lord deliver us. Such things might do for Germany but not for America, "the land of the free and the home of the brave." This "skimmed-milk" diet is the feast to which this Republican House invites us and bids us feed upon. It is good for neither man nor beast and we will have none of it.

Mr. HERSEY. Mr. Chairman, this is a bill to prohibit the shipment of filled milk in interstate or foreign commerce. The term "filled milk" [reading from the bill] means—

any milk, cream, skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

My colleague from Texas [Mr. JONES] admitted that this product is a fraud. I asked him the question whether the foundation of one of these cans produced here in evidence was not skimmed milk, and he said yes. I asked him whether or not they could not be canned and circulated and sold as skimmed milk without any fraud. He said yes.

I asked him then the question, Why add to them something that could not be of any benefit, except that it makes a fraud? And he admitted then that the adding of these oils, these mixtures that add nothing to the food product or to its healthful qualities, was simply to make this look like evaporated milk—condensed milk—to make it look like cream inside when it was open; to deceive the eye on the outside and on the inside.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. I have but five minutes.

But if you admit it to be a fraud on the public, what becomes of the argument, the constitutional argument of the gentleman from Texas, that you have no right under the Constitution to prohibit a fraud in interstate commerce? The foundation of a prohibition in interstate commerce is a fraud that you are committing on the people. You do not argue further than that.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. Yes.

Mr. JONES of Texas. I stated that whatever fraud, if any, was perpetrated by this was perpetrated by the retailer in disposing of it after it had left interstate commerce and had got into intrastate.

Mr. HERSEY. I understood you to say it was a fraud to add to it.

Mr. JONES of Texas. It is a combination product, and it is so stated on the label.

Mr. HERSEY. Did the gentleman not admit that in making these cans look like evaporated milk—the putting inside of it of different oils to make it smooth and look like cream—did you do not admit it as a fraud?

Mr. JONES of Texas. I did not admit it as a fraud. It is a combination product, and it is so stated.

Mr. HERSEY. It must be constitutional to prohibit anything that tries to deceive the people—that a certain product is not what it is.

My friend from Texas [Mr. JONES] also cited certain cases, to wit, the child-labor cases, which have nothing to do with this question that is pending before us. The court held that the child labor law was unconstitutional because it attempted to prohibit in interstate commerce a product that was all right, not a fraud. The product of a child's labor upon its face is just the same as the product of adult labor. Clothing or anything else sent through interstate commerce could not be told by the looks of it whether a child worked on it or not. Therefore the product of interstate commerce being all right and not deceiving anybody, of course, you could not make it a crime to send it in interstate commerce. And the further decision, the late decision, he cites, the attempt to prevent it getting through interstate commerce by taxation does no make it a crime. Crime is the foundation of it, and fraud is the foundation of the prohibition of interstate commerce to this article, and therefore it comes under the constitutional powers of the Government to regulate commerce. [Applause.]

A more detailed statement of the facts in this matter disclosed that the business of manufacturing and selling "filled milk" has become not only a money making and profiteering business, but is one of the greatest frauds now being perpetrated upon the public in the matter of food products.

The evidence before the Agricultural Committee shows that these large "filled-milk" factories buy from the farmers dairy milk. By a modern process they extract from the milk all the cream, butter fats, and practically all food products in the milk, leaving it the poorest skim milk that it is possible to produce. They mix this skim milk with coconut oil and other vegetable oils to give it the appearance of pure milk and cream, in its color, and in its smoothness and fatness. This is placed in cans of the same size and outward appearance as the ordinary condensed milk cans. They go further with the imitation and place upon these cans labels and inscriptions like this:

"Contents of this can is prepared in the rich dairying sections of ———" (whatever State the product is canned in)—and the further label that "The contents of this can is made

from fresh, pure, cow's milk, with butter fats extracted and refined coconut fats added."

The outward appearance of the can would deceive everybody except those who have made a special study of canned condensed milk. It is sold for about 3 cents cheaper per can than the usual condensed milk, and the ignorant and poorer classes of people, being deceived by its appearance, are led to believe that "it is just as good," and by being cheaper than real condensed milk they purchase it and use it in the family the same as they would use pure condensed milk.

Doctor McCollum, of Johns Hopkins University, Baltimore, Md., testified before the Committee on Agriculture as to this "filled milk" as follows:

Doctor MCCOLLUM. The thing for us to do, gentlemen, is this: We are as a Nation now using approximately half a pint of milk per day per person. We are using very little of the green leafy vegetables, and we are using too much meat. The proper thing for us to do is to replace other things in our diet—we should take at least a quart of milk per day, or its equivalent, and we should reduce out meat consumption to approximately 5 per cent of the total energy value of the diet.

* * * * * * *

I do not know how many children are fed on those substitutes for milk; perhaps none, but there is danger that there will be. How many ignorant people in the crowded quarters of the cities, how many foreigners who know too little English to read a label and to understand the finer points of the thing—how many of them are likely to feed an infant on this canned milk? I guarantee that any infant that is fed for a few weeks on one of these milk substitutes will develop rickets as severe as you see it right here. [Exhibiting photograph.]

Doctor Hart, a well-known medical authority, in his testimony before the Wisconsin Legislature, where a law was passed prohibiting the manufacture of this "filled milk," testified as follows:

This bill should pass if for no better reason than that an uninformed public is just as likely to buy the substitute as it is to buy the genuine article, namely, the evaporated whole milk. The nutrition of the American people should always be liberal. For direct consumption we should never allow as valuable a product as whole milk to be in any way tampered with. The condition into which the people in middle Europe sank during the war in respect to their nutrition ought to make us emphatically insistent upon the use of a liberal dietary for ourselves and our children. The substitution of the inferior coconut oil for the superior butter fat in a product like milk is a thing that the public should not tolerate for one moment.

Charles W. Holman, secretary of the National Milk Producers' Federation, testified before the same committee as to this "filled milk," as follows:

Mr. Balderstan, representing one of our member organizations, has very adequately expressed the view of the federation as a whole. I wish in support of that to read a part of a resolution adopted and subscribed to by our federation in Chicago on May 3 and 4 of this year:

"In recent years a compound made of condensed skim milk and coconut oil has been placed upon the market. The manufacturers of this product, commonly known as filled milk, claim that it provides a market for skim milk. This claim is not well taken, for instead of providing a market for skim milk it destroys a market for butter fat. In 1920, 7,000,000 pounds of coconut oil were used in the manufacture of filled milk, and as a result a market for 7,000,000 pounds of butter fat was destroyed and 8,000,000 pounds more butter was placed upon the market. In other words, the coconut cow of the South Sea Islands replaced 40,000 cows owned by American dairymen; and the price paid for skim milk to make this compound was not equal to what the live stock of the farm would return for it.

"Moreover, this compound is sold as milk, and when sold as such is a counterfeit. A fraud is perpetrated upon the consumer. It does not contain the nourishing properties of milk, which is the fundamental food of this Nation, and no producer has a right to so imitate it that the consumer is likely to be deceived. The dairy industry must be protected from this counterfeit and the consumer from deception: Therefore be it

"*Resolved*, That legislation be enacted to prevent the manufacture and sale of compound of milk, skim milk, and vegetable oils for human consumption."

Likewise, at Buffalo, on July 8, we passed a resolution as follows:

RESOLUTION ADOPTED BY THE CONFERENCE OF DAIRY INTERESTS, HELD AT BUFFALO, N. Y., JULY 8, 1921.

Whereas there is an alarming increase in the manufacture, sale, and consumption of bogus milk products, consisting of compounds of skimmed milk and coconut oil or other vegetable fats; and

Whereas such products, regardless of the labels on the containers, are being sold in large quantities as condensed milk and other milk products, thereby at once becoming a fraud on the consuming public as well as a menace to the public health and to the dairy interests: Therefore be it

Resolved, That we favor the abolition of such traffic by Congress by direct prohibitory or restraining laws.

Gray Silver, representative of the American Farm Bureau Federation, testified before the same committee as follows:

The dairymen of this country believe that very few of the people who consume the 86,000,000 pounds of filled or imitation evaporated milk realized that they were using skimmed milk and coconut oil instead of the condensed whole milk containing the fat vitamines so essential to the growth and development of humans and especially babies.

Aside from the various refinements or slight modifications of the process, filled condensed milk is manufactured by skimming the cream from the whole milk and then substituting coconut oil for it. In taking away the butter fat the life-sustaining fat soluble vitamines are removed and in its place is substituted oil which does not contain the vital growth-producing substances. Blindness and death ultimately follow the use of food lacking in vitamines. There are other sources of vitamines, according to the scientists, but mothers are not in the habit of feeding large quantities of kidneys, liver fats, carrots, and yolk of egg in order to obtain the fat soluble vitamines which is well and handily supplied in milk.

The production of evaporated milk from which part or all of the fat has been skimmed and vegetable oils substituted has nearly trebled in the last four years in this country. It is a business which thrives upon the dairy business, has its very foundation in the dairy industry, and yet one which, if continued, will work untold damage to it, for the modified or imitation evaporated milk is being sold as the true product. In 1917 the output of imitation or filled evaporated milk was about 40,000,000 pounds. This increased steadily until in 1920 about 86,500,000 pounds were produced. In the manufacturing of this amount of condensed filled milk there was removed about 7,605,000 pounds of butter fat and virtually the same number of pounds of vegetable oils was substituted, since about 9 pounds of oil is used to each 100 pounds of evaporated product. This virtually destroys the market for about 7,500,000 pounds of butter fats. But its effect is much further reaching than that. It is a matter of vital concern to every dairyman in America.

When the manufacturer labels condensed filled milk in such a way as to show it is condensed skimmed milk and coconut oil instead of the whole milk containing butter fat, they neglect to advise the public of one big factor, namely, that the very life of the milk was taken from it when the butter fat was extracted. Labels on cans of condensed filled-milk products advise consumers to use it in the making of custards, cake, and general cooking and for use in coffee and cocoa. They do not state, however, that the milk is lifeless and does not carry the necessary ingredients for health of humans, particularly babies.

So important has become the issue that already four States have not waited upon the Federal Government to pass a law protecting the people, but have passed State laws prohibiting the manufacture of filled milk. These laws are found in Wisconsin, Maryland, Ohio, South Carolina, and Florida, and bills have been introduced in New Jersey and Pennsylvania.

* * * * * * *

Coconut milk versus cow's milk. The only reason for the manufacturing of this product, filled condensed milk, is that it can be sold at a cheaper price. It is generally understood that when two products are believed by the public to be the same—and that applies generally to filled condensed milks and the regular condensed product—that the cheaper one will force the higher-priced product off the market. It is a significant fact that at the time when evaporated and condensed milk declined 50 per cent in 1920 from the high record of 1919 imitation condensed milk with the coconut oil and skimmed milk increased 24 per cent. The consumer did not materially benefit by this substitute, as the price asked was only slightly lower then than for the genuine health and growth producing condensed milk.

The dairy industry, of course, does not wish to see itself destroyed by a by-product.

Until all the States in the Union have passed laws prohibiting this fraud upon the public the plain duty of Congress is to immediately enact this bill prohibiting the shipment of "filled milk" in interstate commerce. [Applause.]

Mr. JACOWAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TEN EYCK].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. TEN EYCK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TEN EYCK. Mr. Chairman, I wish to request unanimous consent to revise and extend my remarks in the RECORD after I have concluded. I desire to introduce into the records my recommendations and correspondence with the chairman of the Joint Commission of Agricultural Inquiry when the work of the commission started, because I want the farmers to know that I am acquainted and familiar with the needs of agriculture and its conditions at the present time, as well as its position to other interrelated industries. I wish them to know that I have done my bit in Congress to correct the evils that exist with agriculture. I do not want them to feel that I am not in sympathy with their problems and interests, when I object to recommendation No. 5 in this report, which recommends that the Government enter into immediate negotiations with the Dominion of Canada for the conclusion of a treaty for the improvement of the St. Lawrence River.

I assumed this position with an intimate knowledge of the requirements of agriculture, both present and future, and feel that if this recommendation is carried through to an ultimate conclusion, it will be detrimental to the farmers' interests in this country, and I am opposing it with a sincere desire to do that which I believe to be for the best interest of the farmers of the country.

I wish to ask the gentlemen of this House who are members of the Joint Commission of Agricultural Inquiry, who voted to place this recommendation in the report, to explain to the House why they inserted this recommendation in the report, what information they have at hand, what knowledge they have

been able to obtain which caused them to vote in favor of the recommendation, or what the incentive was which caused them to support a recommendation for a project which will take 10 or 15 years to construct, when immediate transportation relief is of paramount importance.

Were there any hearings held on this subject?

If so, what was the favorable information gathered?

Does the committee know that there are many farmers opposed to this project?

When was there a precedent established heretofore to develop foreign territory in time of peace?

What is the real reason why it is recommended?

Recommendation No. 5 was placed in the report by a majority of one by the Joint Commission of Agricultural Inquiry. It was embodied in the commission's report without holding hearings, without filing data, without a request of the commission to the chairman to secure information as regards this important subject, and without any information in the text to justify the recommendation, except a reference to the report of the International Joint Commission.

If this recommendation is carried through favorably it will cost the Government of the United States many hundreds of millions of dollars to construct a waterway within the territory of the Dominion of Canada outside of the territory of the United States.

If this recommendation is acted upon favorably it will mean that the Senate will ratify a treaty which will morally, if not legally, obligate the United States Government to an expenditure of millions of dollars, and to transfer an all-American waterway transportation system from the United States to Canada, and place it in competition with the Mississippi River, the Ohio River, and the barge canal, which are the present American outlets to the Great Lakes, without the House of Representatives having investigated or considered it.

If this recommendation is acted upon favorably the treaty will be agreed upon and entered into, binding the House of Representatives to an enormous appropriation, if not legally, morally to build a waterway within the territory of a foreign and competitive nation.

This recommendation was made by the Joint Commission of Agricultural Inquiry, which was appointed to consider agricultural problems and interrelated industries under Senate Concurrent Resolution No. 4, Sixty-seventh Congress.

This recommendation was adopted by the Joint Commission of Agricultural Inquiry with every member of the committee, except three, expressing themselves in the conference in opposition to embodying the recommendation in the report, stating that the recommendation is unnecessary and out of place in the report.

The following additional recommendation was offered by Mr. TEN EYCK when recommendation No. 5 was retained in the report. This was lost by a vote of 9 to 1.

The St. Lawrence River is a natural boundary line; the interests of the Government of the Dominion of Canada and of the Government of the United States are mutual in its utilization. It is suggested that the Government of the United States take such steps as are consistent and in accordance with international procedure with the Dominion of Canada and Great Britain to purchase all that territory in the Dominion of Canada lying east and south of the line comprising the center of the channel of the St. Lawrence River from its mouth to its source, including the full riparian rights and rights to develop and utilize half of the water power from the St. Lawrence River, at the same time that it negotiates a treaty in accordance with the commission's recommendation No. 5, and it is suggested that the Secretary of State use his best endeavors to have the purchase price agreed upon credited on the British debt to the United States.

The Ten Eyck recommendation was offered with the purpose to invite the President of the United States, when negotiating a treaty with Canada, to negotiate with Canada and Great Britain as their interest may appear at the same time the purchase of any land that lies adjacent to and borders on the St. Lawrence River within the Dominion of Canada, which is obligatory for the United States Government to own so that she will receive all the benefits to which she is entitled, either legally, morally, or financially, as well as from a business point of view, before we obligate ourselves to pay any part of the cost of the project.

This amendment was recommended so that if a treaty is successfully negotiated with the Canadian Government the United States Government will own and control half of the land adjacent to the canal constructed in the St. Lawrence River, as well as half of the land which will be improved from the development of the water power in the St. Lawrence River.

Every country should have absolute jurisdiction over its transportation systems, and all transportation systems in any country should terminate in terminals located within the boundary and jurisdiction of that country.

The land adjacent to a water-power development has as much value as the water development itself, because it is the reservoir, the storage battery, and the transformer of the electrical energy developed.

It is where the people congregate to utilize the power development. It is where villages, cities, and large manufacturing industrial units are built up. It is where great manufacturing plants are erected to utilize and transform the electrical energy developed by the water power and transformed into commercial articles of commerce. It is where the total annual output is accumulated each year and stored in the form of large business and commercial centers, private homes, manufacturing plants, and industries of all kinds. It is where the annual total power output is stored and accumulated for all time in the future, like a storage battery, to be utilized at will.

Therefore, it is essential that we own half of the land, so that we may be a 50 per cent beneficiary for all time in the future, before we pay 50 per cent of the cost of its development.

If the Canadian Government intends to cooperate with the United States for the development of this costly enterprise, she will see the strength of this argument and show her sincerity of purpose by placing us in a position that we will not only be a 50 per cent cooperator in the construction of the enterprise but she will help us to become a 50 per cent beneficiary for all time in its utilization.

The reconstruction of the agricultural and commercial industries of the United States is of immediate necessity and paramount importance; cheap transportation is the greatest factor in accomplishing the full economic development of the agricultural industry and the proper development of the farm life of the country.

The farmers, having suffered mostly from the after-war deflation, are mostly in need of immediate relief by a scientific development of all of our internal problems, and especially the development of our internal and domestic waterways, which will best meet their necessity the quickest and help most to solve not only the transportation and marketing problems but many of the other disadvantages under which he is laboring to-day.

The complete resuscitation of the agricultural life of the country will call for the expenditure of a large sum of money out of the Treasury of the United States, as its prosperity is necessary to bring about the immediate and necessary relief to the financial, industrial, and commercial life of the entire country.

It is imperative that we make all internal improvements within the territory of the United States before any expenditures are considered without the territory of the United States, and that all money expended out of the Treasury of the United States for reconstruction purposes be expended where it can be of the greatest service to the greatest number in the shortest time, and that all of our rivers and harbors and small navigable streams be improved before any large project is considered, so as to give to the people throughout the entire country direct and immediate relief.

The United States should improve its own harbors first, so as to relieve present transportation conditions by improving the harbors of Portsmouth, Boston, New London, New Haven, Bridgeport, New York, Philadelphia, Trenton, Wilmington (Del.), Baltimore, Wilmington (N. C.), Charleston, Savannah, Jacksonville, Mobile, New Orleans, Galveston, Panama, Santiago, Los Angeles, San Francisco, Portland, Seattle, and all the other harbors within the Great Lakes, and immediately improve the inland waterways connecting the various harbors with the interior, to give to agriculture waterway transportation from the interior to the sea, such as the Connecticut River, the Hudson River, the Delaware River, the Susquehanna River, the Potomac River, the Ohio River, the Mississippi River, the Missouri River, the Warrior River, the Tombigbee River, the Arkansas River, the Red River, the Tennessee River, and such other rivers and tributaries that need improvement, so as to give to the farmer proper and adequate inland waterway transportation rates; and immediately improve all the canals within the territory of the United States with the same object in view, and immediately take steps to continue and complete that great and imporant intercoastal canal project connecting Boston with Galveston through Florida.

The cost of the development of the water power in the St. Lawrence River under present conditions, when the country is in need of the money for the stabilization of its own commercial interests, will not only deprive them of the money but if utilized to its full capacity it will further upset the economic conditions of business, if the claims of the proponents are true that it will create the electrification of all the railroads within a thou-

sand miles or more of the development, and which will cause the scrapping of all the steam engines, the steam plants, the cutting down of the production of the coal mines of the country; changing the source of power of the entire interrelated industries.

The total expenditure to change from steam to electric equipment and the scrapping of all steam-power plants will cost the people of the United States more than what it will cost to harness the St. Lawrence River. These changes must be brought about gradually, with the idea of doing the least harm possible to the public.

We will admit the tragedy of freight congestion that wartime conditions created in the Western States, which instilled in the minds of the people in that locality an imaginary and visionary idea that the canalization of the St. Lawrence River is the "quack-medicine cure-all" which will relieve all of their ailments.

I can appreciate the reason why many people in the West were in favor of the canalization of the St. Lawrence River, that condition of mind was brought about by the freight congestion which existed during the war, and the railway rates which were caused by the war.

During the war there was a shortage of more than 50,000 freight cars. To-day, however, there is a surplus of over 300,000. During the war the New York State Barge Canal was not in service, it was not entirely completed, the Federal Government had taken over its control, along with the control of the railroads of the country. Since the war, in the spring of 1921, the barge canal was turned back to the jurisdiction of the State of New York, and has been thrown open to the use of the public, and private capital has placed upon it large barges of from 2,000 to 3,000 tons capacity, and in the year of 1921, the first year of its operation, it carried over 1,000,000 tons of freight between Buffalo and New York City, one cargo consisting of 80,000 bushels of oats was carried from Buffalo to New York City without being transferred or unloaded en route. When it reached the harbor of New York the entire cargo was transferred to a trans-Atlantic steamer and shipped to Europe.

Hugh L. Cooper & Co., a firm of engineers of national and international repute, made a study and survey on the ground of this important project for some large financial American interests, and made a report to them, which has since been made public, in which they state that the canalization of the St. Lawrence River and the development of all its water power, including the interest on the investment during its construction, damage to the adjacent property owners, and such other liabilities that may arise, will cost approximately $1,250,000,000, exclusive of the deepening of the channels and harbors, the rebuilding of the docks, and the installation of the proper machinery within the Great Lakes to accommodate ocean liners, all of which will necessitate an additional expenditure of approximately $100,000,000.

While the international joint commissioners report an approximate cost of much less than the above, they state, however, that their figures were made without any soundings or borings and without developing all the water power in the St. Lawrence River, and they recommend that another commission of engineers be appointed to go into this matter more thoroughly and in detail before the Governments of the United States and Canada commit themselves to their recommendation.

If Mr. Cooper is right in his estimate, which I have all reason to believe is correct, the annual cost of operation, maintenance, including the interest on the money invested at 5 per cent, will amount to approximately $75,000,000.

The total tonnage of all commodities carried in the United States via rail, waterway, and highway is more than a billion tons. The total tonnage of the five principal grains—wheat, corn, rye, barley, and oats—raised in 1920 in the United States amounted to 144,826,376 short tons. The total tonnage of all commodities, both raw and manufactured, carried on the Great Lakes in 1920 was 197,502,000 tons. The total tonnage of all commodities exported from the United States which was carried on the Great Lakes amounted to 9,065,497 short tons. The total tonnage of grain and vegetable products of the United States carried in 1920 on the Great Lakes amounted to 5,499,026 short tons. The total tonnage of grain and grain products of the United States which was shipped off of the Great Lakes for foreign export amounted to 2,999,654 short tons in 1920. The total tonnage of all commodities exported from all ports in the United States in 1920 amounted to 63,803,433 tons, of which only 9,264,458 short tons consisted of the five principal grains. It is apparent that only an infinitesimal amount of grain in comparison to the entire business of the country is exported from shipments on the Great Lakes.

The expenditure of more than half a billion dollars by the United States is not warranted for the purpose of carrying only 2,999,654 short tons of grain for export.

Assuming that Mr. Hugh L. Cooper's estimate is correct—that it will cost $1,250,000,000 to canalize the St. Lawrence River and develop the entire water power in the river, plus $100,000,000 to deepen the channels, improve the harbors and docks and loading facilities in the Great Lakes, making a total of $1,350,000,000 for the entire improvement—it would be much better for the United States to apply the interest on the money invested on the freight rates of all the food products of the United States than to assume the gamble of this project being successful and meeting all the requirements after its completion.

Five per cent on the total investment would amount to $67,500,000. The United States' proportionate share will be one-half of the above, amounting to $33,750,000. If applied to 323,851,345 bushels, the total number of bushels of the five principal grains exported from the United States, it would permit a subsidy of more than 10 cents per bushel on the entire amount of grain shipped from all the ports throughout the entire United States, and a subsidy of more than $11 per ton on all the grain exported from the United States shipped on the Great Lakes, or a subsidy of twice the present water freight rate from Duluth to Liverpool on wheat.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. TEN EYCK. Yes.

Mr. SMITH of Michigan. Does not the gentleman think there will be more than 3,000,000 tons shipped on the Great Lakes if they have a ship canal giving them an all-waterway outlet to the ocean?

Mr. TEN EYCK. I will answer the gentleman. Grain is shipped to-day more than 200 miles by rail from Kansas City to Chicago to ship via the Great Lakes to take advantage of the barge canal. I recommend that we improve the Mississippi River, the Ohio River, and the Missouri River [applause] to give the people in Kansas City waterway transportation all the way from Kansas City to Liverpool without having to use the railroads for 200 miles. [Applause.]

Mr. TINCHER. Will the gentleman yield?

Mr. TEN EYCK. I will.

Mr. TINCHER. As I understand, the gentleman is opposed to the St. Lawrence River project because it is too expensive and not economical?

Mr. TEN EYCK. I am not opposed to the St. Lawrence River project because it is too expensive. I am opposed to it because it is not a practical scheme, because we are calling upon the taxpayers of the United States and upon the consumers of the United States to pay for a waterway for a small section of the country to transport a small percentage of the total grain produced in the United States, which is proven by the statistics of the Department of Commerce, the War Department, and the Department of Agriculture.

Mr. TINCHER. Is the gentleman sure that his opinion on this subject is not in any way influenced by the barge canal?

Mr. TEN EYCK. I can say this to the gentleman, that I am not opposed to it because of the barge canal. I voted for a larger Navy and I voted for bigger waterways, and I want to know whether the gentleman from Kansas voted for those things? [Applause.]

Mr. TINCHER. My argument was not that you should vote for all the appropriations. That would be more than I do.

Mr. TEN EYCK. New York State usually votes for appropriations for the other parts of the country. We are proud of that, and we are proud when they come along with us to help us. [Applause.]

Mr. TINCHER. This happens to be a project, though, that would conflict a little with your New York Barge Canal, but which might benefit the whole remainder of the United States.

Mr. TEN EYCK. I wish the gentleman would not make a speech in my time.

From a business standpoint it would be better for us as a Nation to use the interest on the money which we will have to invest to relieve the freight rates on all of the farmer's food products, because if we do this we will at the same time lower the cost to the consumers of the United States as well as the consumers of Europe.

Our own citizens are certainly entitled to as much relief as it is possible to give them, because the consumer and producer alike are equally responsible for the taxes levied for any Federal improvement. There is no valid reason why the United States should construct this gigantic project, lying within the territory of the Dominion of Canada from the Great Lakes to the Gulf of St. Lawrence. Canada owns more than 90 per cent of the land on both sides of the St. Lawrence

River. Therefore they will be the principal beneficiary of not only the canalization but the water-power development as well for all time in the future.

One of the arguments of the proponents of this scheme is that a harbor on the St. Lawrence River is several hundred miles nearer Liverpool than the harbor of New York. Therefore, it is essential that the United States own the land bordering on the southeast bank of the St. Lawrence River throughout its entire length so that before the scheme has been made a reality we will own the necessary land to establish harbors within our own territory equally near to Liverpool.

We might just as well arrange to have the Boston & Albany, the Boston & Maine, the New York Central, the Pennsylvania, and the New York, New Haven & Hartford Railroads transfer their terminals to Canadian ports in the Dominion of Canada, so that they will be nearer to Liverpool, as to father a movement to transfer our water transportation system to the Dominion of Canada, so that its export harbors will be closer to England.

Accepting Buffalo as the eastern export terminal in the United States on the Great Lakes for the purpose of comparison. Buffalo is located approximately 400 miles from Montreal and approximately 500 miles from the city of New York. Buffalo is 488 miles nearer Liverpool via the St. Lawrence route than via the barge canal through New York City; for a shipper to take advantage of this shorter route, it is imperative that an ocean liner will have to travel after it leaves the Straits of Belle Isle, similarly located to the harbor of New York on the Atlantic Ocean, 1,395 miles, including the tortuous, narrow, and dangerous channel with many obstructions and varying currents in the St. Lawrence River to get to Buffalo, nearly half of the total distance of 3,597 miles between Buffalo and Liverpool.

Seventy-five per cent of the population and the consuming public of the country is located nearer to New York Harbor than the harbor of the city of Montreal. In addition to this the harbor of Montreal is only a six-months port. It is as essential to have proper feeders and distributors of cargoes leading into a harbor as the harbor itself, and the network of waterways, highways, and railways that enter into the harbor of New York is unexcelled throughout the world, which assures return cargoes to all trans-Atlantic liners which dock within this harbor; not for six months, but throughout the entire year.

I wish to submit to you 68 reasons in opposition to the canalization of the St. Lawrence River and the development of the water power in conjunction with Canada which I introduced in a minority report in opposition to the recommendation that the Government of the United States negotiate a treaty to canalize the St. Lawrence River, which in itself should be obnoxious to the House of Representatives, as it will take away from them the right to study this important project before they have been required—if not legally, morally—to appropriate hundreds of millions of dollars to carry out a treaty ratified by the Senate of the United States without having had an opportunity to study its feasibility, practicability, or usefulness:

1. The ocean liner can not compete with the Great Lakes boats of equal tonnage, due to the fact that the ocean liner will cost more to build than the Great Lakes boats of equal tonnage.

2. A 10,000-ton vessel on the Atlantic Ocean requires 50 men to man it, while a 10,000-ton boat on the Great Lakes is manned by 30 men.

3. The insurance on the ocean-going vessel, on account of the original cost and extra hazard of the ocean-going boat traveling the St. Lawrence River and Great Lakes, will be materially higher.

4. The rate on coal from Buffalo to Duluth, a distance of 1,000 miles, is 50 cents per ton on a lake carrier. The rate on coal from Norfolk to Boston, a distance of 500 miles, is $1.10 to $1.25 per ton on an ocean liner.

5. An ocean-going steamer which is designed to navigate the seas in all weather can not operate on the Great Lakes with the same safety as a Great Lakes boat, due to its construction, design, and depth of draft; nor can it carry a full cargo on inland waterways for the same and other reasons. Likewise, a Great Lakes boat of equal tonnage can not travel the Atlantic Ocean with safety in all weather on account of its construction, design, and draft. We admit that both of these designs of vessels can navigate in either place under the most favorable conditions if the channels are deep enough to accommodate the draft of the vessel, but not with safety in stormy or foggy weather, due to the difference of the condition under which they sail and their design.

6. The Board of Rivers and Harbors state that the total tonnage of the Great Lakes during the year 1920 was 197,502,000 short tons. The amount of the tonnage exported from the Great Lakes was 9,065,497 short tons—approximately 4½ per cent.

The deduction from which makes it apparent that most of the tonnage on the Great Lakes is used domestically for manufacturing purposes and for domestic consumption.

From statistics gathered by the Department of Commerce the total production of grain in the United States, in bushels, for the year 1920 is as follows: Corn, 3,232,367,000; wheat, 787,128,000; barley, 222,024,000; rye, 69,318,000; oats, 1,526,055,000; grand total, 5,816,892,000 bushels; equal in weight to 144,826,376 short tons. There were exported from all ports in the United States 323,851,345 bushels, as per table below, equal in weight to 9,264,458 short tons. The total short tons of all grains exported from all the ports of the United States, including the breadstuffs, wheat flour, corn meal, rye flour, barley flour, oatmeal, and 392,612,555 pounds of rice, total 24,099,113 short tons, exported during 1920.

Wheat, rye, barley, corn, and oats exported from all parts of the United States, by customs districts.

	Wheat.	Rye.	Barley.	Corn.	Oats.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Maine and New Hampshire	1,583,527	1,571,787	124,042	947,258	1,276
Maryland	27,798,338	19,679,665	735,758	1,623,402	1,884,718
Massachusetts	4,174,554	333,759	45,112	58,854	85,819
New York	36,148,343	23,488,700	4,947,659	1,653,372	7,884,700
Philadelphia	17,684,343	2,780,992	232,538	700,665	126,166
Virginia	2,153,278	311,487	150,414	109,466	89,885
Galveston	46,561,406	496,713	625,055	82,229	1,500
New Orleans	48,695,834	177,857	5,949,073	1,142,998	907,068
Sabine	1,772,010	.....	2,658	.....	.....
Oregon	12,289,790	.....	.....	.....	21,221
Washington	3,519,766	.....	.....	223,327	30,716
Buffalo	488,058	61,000	.....	62,817	1,179
Chicago	7,278,767	525,142	.....	648,749	.....
Duluth and Superior	7,405,888	7,684,589	.....	357,128	234
San Francisco	5,715	.....	4,611,083	2,160	48,833
Michigan	260,642	345,096	106,368	7,719,044	1,342,423
Other	467,045	113,703	324,467	2,429,951	452,136
Total	218,287,334	57,070,490	17,854,227	17,761,420	12,877,874

Grand total, 323,851,345 bushels.

7. The Board of Engineers for Rivers and Harbors states that the total of all vegetable food products of the United States carried on the Great Lakes in 1920 amounted to 5,499,026 short tons, and Canada's total tonnage for the same products amounted to 2,284,582 short tons.

The Board of Army Engineers for Rivers and Harbors states that the total tonnage of all grains of the United States carried on the Great Lakes in 1920 totaled 4,794,122 short tons, of which 2,999,654 short tons were exported, which is the total amount of grain that would pass through the St. Lawrence Canal, provided all the export grain on the Great Lakes was transferred from American routing to a routing via St. Lawrence through Montreal in Canada. The barge canal, wholly within the territory of the United States, can accommodate seven times this tonnage annually.

Therefore the amount of service that the St. Lawrence River will render to the country on shipment of farm products, even though it meets all the expectations of its advocates, is infinitesimal when compared with our gross tonnage or even to the total export tonnage of farm products.

According to calculations of the Department of Agriculture 43 per cent of the value of the total exports in 1920 consisted of farm products. If this percentage is applied to the total tonnage as given in the preceding paragraph, the tonnage of all farm products would be approximately 27,435,000 short tons.

8. The Board of Rivers and Harbors state that the total tonnage of all commodities exported from all ports in the United States in 1920 was approximately 63,803,433 short tons. Total tonnage of all farm products exported approximates 27,435,000 short tons.

9. If the people in the great Middle West located at shipping points similar to the shippers in the Kansas City region wish water transportation to the sea, I suggest that we improve the Missouri River, the Mississippi River, the Ohio River, and furnish the necessary boats to give them an all-Amercan waterway route to the sea, the same as Kansas City enjoys to-day via the Mississippi River, and not require them, as is their desire at the present time, to make more than a 200-mile railway haul from Kansas City to the Great Lakes so that they may utilize an artificial waterway route through a foreign territory that will, I predict, eventually cost the United States more than one-half a billion dollars to build, which when completed will entail a big annual expenditure to operate and maintain.

10. The people in the Great Lakes territory cry for a cheaper water route for 5 per cent of their business and forget the 95 per cent consumed by the people of their own country. They are like the merchant that manufactures a general utility article

in a city of 1,000,000 inhabitants and sends all his salesmen to the rural and sparsely populated districts hundreds of miles distant to sell a small percentage of his output and neglects his local million-peopled market.

11. The St. Lawrence Ship Canal will not serve or cheapen the freight rates on food products to the consuming public of the United States. If the Federal Government decides to expend this vast amount of money in waterways we should expend it in such a way that it will give at least our own people equal benefits with the people of all foreign countries.

12. It is an absolute necessity that a country control its transportation system to insure commercial success.

13. All the transportation systems of any country should terminate at terminals and harbors wholly within its territory, both in peace times and in war times.

14. More than 75 per cent of the people of the world are closer to the ports of Boston, New York, Philadelphia, Baltimore, and all other ports within the territory of the United States, than to the port of Montreal.

15. More than 75 per cent of the population of the world has a shorter waterway transportation route connection with the Great Lakes through the port of New York via the barge canal than through the port of Montreal via the St. Lawrence River.

16. The argument that the port of New York, due to its congestion, is a sufficient reason for the construction of a deep waterway canal in the St. Lawrence River to make Montreal the principal export city of North America is obsolete. This has been answered in a practical way by the States of New York and New Jersey in their approved plan in making the port a national harbor and increasing its facilities and capacity tenfold by their cooperation in the expenditure of many millions of dollars.

The population within the port harbor district is more than the entire population of Canada. The railroads and other transportation facilities entering this harbor outclass those in importance entering any other terminal in the world. These feeders, outside of the natural advantages of the harbor, are absolutely necessary for an economical and successful export center. They assure to ocean-going liners a full cargo each way. New York port being open throughout the entire year, assures shippers a continuous waterway service throughout the entire year.

17. On account of the shortness of the navigable season in Canada, the shippers can only use the canal approximately six months in the year, which will make it necessary that the ocean liners will have to look elsewhere for business for the other six months of the year.

18. The St. Lawrence having only a normal six months' season, it will increase the cost of navigating ocean liners between the Gulf of St. Lawrence and the Great Lakes to such an extent that it will make the use of trans-Atlantic vessels prohibitive.

19. The building of the St. Lawrence Ship Canal will give Great Britain access to the Great Lakes with her warships, as well as with vessels of commerce, through her territory, while all of our vessels will first have to pass through English or Canadian territory.

20. In case of war between Great Britain and any other country which is on friendly terms with the United States, the United States will be prohibited from sending any of her food products to them through this canal.

21. The cost of shipping grain to New York City from Duluth via the Great Lakes, barge canal, and Hudson River is 7½ cents, including the elevator charges and five days' storage at Buffalo, made up as follows: 1½ cents per bushel from Duluth to Buffalo; 6 cents from Buffalo to New York, including elevator charges and five days' storage at Buffalo and 1 cent transfer charge at New York City, including five additional days' storage in New York City.

See telegrams quoting rates:

NEW YORK, N. Y., *January 25, 1922.*

Hon. PETER G. TEN EYCK,
House of Representatives, Washington, D. C.:

Canal rate wheat, Buffalo, New York, slightly fluctuating season 1921. Minimum, including elevator charges, at Buffalo, 6 cents per bushel; maximum, 8 cents per bushel; additional elevation charge here boat to steamship, 1 cent per bushel.

E. S. WALSH.

—

BUFFALO, N. Y., *January 25, 1922.*

Congressman PETER G. TEN EYCK,
House of Representatives, Washington, D. C.:

Answering telegram, cost of transferring grain from lake boats to cars or canal boats, 1 cent per bushel, including five days' storage in elevator.

ADAM E. CORNELIUS.

INTERNATIONAL ELEVATING CO.,
New York, December 20, 1921.

The following charges will be in effect January 1, 1922:

Charges to be paid by the grain: Receiving, weighing, and discharging, seven-eighths cent per bushel; transportation of elevator, one-eighth cent per bushel; boat trimming, $1.50 per 1,000 bushels; mixing, one-fourth cent per bushel; blowing and screening or dusting, one-fourth cent per bushel; on all hot and salvage grain additional trimming charge, $3.50 per 1,000 bushels; on any parcel less than a towing lot of 4,000 bushels or any parcel or cargo on which the owners order bagging in excess of amount of bagging required by underwriters' rules, transportation of elevator shall be one-half cent per bushel.

Charges for delivery to be paid by the steamer: Trimming, $3 per 1,000 bushels; trimming decks 30 feet or over, $4.50 per 1,000 bushels; waiting time for grain trimmers (longshoremen), $1 per hour per man.

21a. From reliable authority grain can be carried from Atlantic ports in lots of ten to twenty thousand tons as a part cargo of ocean liners cheaper than a tramp or a liner will carry a full cargo. The cost of shipping grain from New York to Liverpool is approximately 9.6 cents per bushel. See following letters:

NEW YORK, *February 15, 1922.*

Hon. PETER G. TEN EYCK,
House of Representatives, Washington, D. C.

SIR: We have your favor of the 9th instant, relative to quotation on a full cargo or parcel lot of grain from New York to Liverpool, England.

Please be advised that the present quotation on parcel lots—that is, on about 10,000 bushels of either corn, wheat, or rye—is 3 shillings 9 pence per quarter, which is 480 pounds, while the full cargo rate is 4 shillings per quarter.

We are in a position to book for February or March shipment at the above rates on parcel lots, and charter a full cargo of corn, wheat, or rye for March shipment at 4 shillings. We are not in a position to quote you on oats.

For your information, the rate depends at times on the supply and demand, and does not very much depend on the season of the year. For instance, in January wheat, corn, and rye was quoted at 3 shillings per quarter for shipment in February.

We trust this information will be of service to you, and remain,

Yours very truly,

C. B. RICHARD & CO.,
F. J. NADO, *Forwarding Department.*

—

INTERNATIONAL MERCANTILE MARINE CO.,
New York, February 10, 1922.

Mr. PETER G. TEN EYCK,
House of Representatives, Washington, D. C.

DEAR SIR: We have your letter of the 8th instant.

There are no tariff rates to United Kingdom ports for bulk grain. This is an open market and supply and demand govern. The regular liners nearly all require a quantity of grain for stability.

At the present time the amount of space available in these steamers exceeds the supply of grain. The result is that the current rate is less than that at which tramp steamers can be profitably operated with full cargoes of grain. The present rate at which wheat, corn, and rye are being booked from New York to Liverpool is 3 shillings 6 pence per quarter, which at the current rate of exchange is equal to about 15⅞ cents per 100 pounds.

We believe there are one or two tramp steamers offering for full cargoes on which the owners intimated they would trade at 4 shillings 6 pence per quarter, which is equal to approximately 20¼ cents per 100 pounds.

For the freight department.

F. A. RYAN, *Manager.*

—

SUBMARINE BOAT CORPORATION,
Newark, N. J., February 15, 1922.

Hon. PETER G. TEN EYCK,
Washington, D. C.

MY DEAR CONGRESSMAN: In response to your letter under date of February 11, I desire to inform you that we intend to operate on the barge canal, during the 1922 season, 30 barges, aggregating 12,240 dead-weight carrying capacity, with three new tugs especially adapted for service on the canal. This constitutes an addition of 60 per cent to the tonnage capacity of the fleet we had in operation last season, and, of course, the addition of the modern tugs mentioned.

With respect to the other information, I regret that I do not have it available, but I shall try to get it for you as soon as possible.

Cordially yours,

HENRY MOSKOWIK.

—

LUNHAM & MOORE,
New York, February 10, 1922.

Hon. PETER G. TEN EYCK,
Washington, D. C.

DEAR SIR: In reply to your favor of yesterday's date, beg to state the present rate on heavy grain from New York to Liverpool is 3 shillings 6 pence per 480 pounds (a quarter of 8 bushels), at which we closed 32,000 bushels for one of our customers on a White Star steamer to March 4 and March 11.

Full cargo rates are at present higher than berth rates to the United Kingdom, the present price asked from Atlantic ports being 4 shillings 6 pence per quarter, although believe could obtain boats on bids at 4 shillings 3 pence. Cargo rates to United Kingdom have been ruling higher than berth for the past few months, owners seemingly preferring business to the Continent (evidently because expenses discharging much cheaper). Cargo rates to Continent to-day for March, 16 cents per 100 pounds, while berth rates are 17 to 18 cents per 100 pounds, owing scarcity of berth room for near-by shipment.

So you will see how the situation differs. United Kingdom berth far below cargoes and Continent berth higher than cargoes.

Seasons have no bearing on rates, except perhaps on eve of new crop movement rates firm up owing to demand.

Rates are controlled entirely on basis of supply and demand, world's markets having distinct bearing. When they can buy cheaper in other parts of the world we suffer accordingly.

The ocean freight market is a large subject, difficult to convey in a letter. If you are ever down this way and want to talk about it, will be glad to give you several earfulls.

Very respectfully yours,

WALTER MOORE.

P. S.—Just noticed your letter referred to oats. There has been no oats business doing. The usual difference on cargoes is, if heavy grain rate is 4 shillings per 480 pounds, oats would be 3 shillings per 320 pounds—that is, 1 shilling less, but per 320 pounds instead of 480 pounds.

The berth parcel rate has been 3 shillings per 320 pounds, while heavy rate was 3 shillings 3 pence to 3 shillings 6 pence per 480 pounds, the 3-shilling oats rate being an arbitrary minimum and a higher basis than it should be by comparison.

—

CUNARD STEAMSHIP CO. (LTD.),
New York, February 16, 1922.

PETER G. TEN EYCK, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your communication of February 9 in regard to request concerning particulars on shipments of wheat, corn, or oats from New York to Liverpool.

For your information full cargoes of grain have recently been closed from North Atlantic to Canadian ports to United Kingdom ports on the basis of 4 shillings per quarter, and the liners are accepting 3 shillings 6 pence to 4 shillings at the present time. The average rate works out about 3 shillings 9 pence per quarter.

The liners are able to accept a little lower rate than the full-cargo steamers on account of the fact that they only take parcel lots—say, on an average of 10 loads per steamer, which is the equivalent of 3,140 tons weight. Loads of this nature serve as ballast for the liners and are a great advantage to them in the dispatch of their steamers.

In the case of full-cargo steamers they can hardly operate on less than 4 shillings per quarter, as they have no other cargo on which to obtain revenue, whereas in the case of liners they take general cargo, which is much better paying freight.

Grain can be loaded at the rate of about 200 tons per hour per hatch and can be discharged as quickly.

At this time last year the rates on grain were practically double what they are to-day, and shipments are going forward from the Gulf at rates a little higher than those prevailing on the North Atlantic—say 6 pence to 1 shilling per quarter additional.

The equivalent of 3 shillings 6 pence per quarter is 77 cents per 480 pounds, which is the equivalent of about 16 cents per 100 pounds, and no doubt you will agree that this is a very low rate of freight considering the operating expenses of steamers to-day.

One load of wheat equals 8,000 bushels, 60 pounds per bushel; 480 pounds per quarter equals 214 tons weight of 2,240 pounds.

One load of corn equals 8,571 bushels, 56 pounds per bushel; 480 pounds per quarter equals 214 tons weight of 2,240 pounds.

One load of oats equals 10,000 bushels, 32 pounds per bushel; 320 pounds per quarter equals 143 tons weight of 2,240 pounds.

We hope the foregoing covers the point you have in mind, but, if not, it will be more than our pleasure to give you such additional information as you may request.

Yours faithfully,

CUNARD STEAMSHIP CO. (LTD.);
JOHN GAMMIE, *General Freight Manager.*

22. The same rates are charged on wheat from Montreal to Liverpool as from New York to Liverpool. The rate of insurance, however, amounts to about 1½ cents per bushel more from Montreal to Liverpool than from New York to Liverpool, which makes an additional cost of 1½ cents from Montreal. During certain seasons of the year insurance companies refuse to accept any insurance risks on shipments via the St. Lawrence route from Montreal.

23. Paragraphs 20, 21, and 22 show conclusively that it will be impossible to save even 5 cents per bushel on export grain through the St. Lawrence Canal, while we are promised by the shippers on the barge canal that they will lower their present rates at least 3 cents per bushel as soon as they can get enough of the proper type of boats on the canal.

24. The interest alone on $500,000,000 at 5 per cent equals an amount large enough to give a 5-cent subsidy on 500,000,000 bushels of grain, which is more than the total export from all our Atlantic ports in the United States.

25. If it is a cheaper rate that is needed, let the United States give the shippers a freight allowance equal to the interest on the investment in the St. Lawrence Canal, and thereby run no risk of failure with so large an experiment, which will cost us so much in taxes.

26. Using Buffalo as the all-American outlet from the Great Lakes to the Atlantic Ocean, the following distances to Liverpool are interesting and self-explanatory:

	Nautical miles.	Statute miles.
Buffalo to Montreal	339	390
Buffalo to New York	440	507
Montreal to Liverpool, via Belle Isle	2,785	3,207
Montreal to Liverpool, via south of Newfoundland	2,926	3,369
New York to Liverpool	3,107	3,578
Montreal to Belle Isle	873	1,005

From the above it is apparent that Montreal is from 200 to 300 miles nearer Liverpool than New York City; but for an ocean liner to take advantage of this shorter route she will have to traverse 873 nautical miles, or 1,005 statute miles, from Belle Isle to Montreal, through a narrow and dangerous channel throughout the entire length of the St. Lawrence River, while the distance between New York Harbor and Liverpool is an open waterway throughout its entire length. (See 68 regarding statistical hazardous navigation.)

27. In the building of the Panama Canal we did not require financial assistance from other nations, nor did we build it without first obtaining the territory through which it runs; but, on the other hand, it being an international route, to-day certain nations, especially Great Britain, are trying to dictate to us as regards its operation, protection, and tolls. This being true, how much more would Great Britain endeavor to dictate to us if it laid within her territory, as this project will, and being of international concern, we will have again invested American money in an enterprise the policy of which will be controlled to a certain extent by foreign nations.

28. The policy of the public-service commissions and the Interstate Commerce Commission is to oppose the building of a parallel transportation route until the existing route has proven itself inadequate to take care of the traffic for which it was constructed.

29. The New York Barge Canal was not completed until after the war had started. The Federal Government later took it over under its control when it took over the railroads. That and the war stifled all private capital from building boats and warehouses and investing generally in transportation facilities or engaging in waterway transportation business. Not until the spring of 1921 did the Federal Government release its jurisdiction as well as its boats, and turn back the canal to the State of New York, after which a number of private individuals and corporations placed boats upon the canal which carried in 1921, its first year of operation, more than a million tons of freight, which is more than one-third of the tonnage of all the grain exported from the Great Lakes.

30. In 1921 a cargo of 80,000 bushels of oats was carried from Duluth through the Great Lakes and through the barge canal to New York City via the Hudson River without breaking bulk at the city of Buffalo, and loaded it on ocean-going steamers in the harbor of New York, showing conclusively that the barge canal is large enough to handle lake-going steamers, if that class of business is profitable.

31. Mr. Hugh L. Cooper, of the firm of Hugh L. Cooper & Co., engineers of national reputation, after a thorough physical study on the ground and compilation of costs of the construction of a canal and development of the water power in the St. Lawrence River, stated in a speech in Chicago, April, 1922, that the total cost of constructing the canal and developing all the water power in the St. Lawrence, including interest on money invested during the construction, the adjustment of claims, all other liabilities, and other incidental expenditures pertaining to the work, would amount to $1,250,000,000, exclusive of any work of deepening the channels or improving the harbors and docks in the Great Lakes to accommodate vessels of a deeper draft.

32. In 1912 we had a budget of one billion; to-day, due to the war, we have a budget of four billions; therefore, we should only spend that which will give us greatest immediate relief.

33. This money which we are considering to expend abroad could be used to better advantage to equip our own waterways with boats, warehouses, grain elevators, terminal facilities, etc., so as to reduce the freight rate to a minimum to the public.

34. When we need so much money for internal improvements, farm credits, transportation, warehouses, good roads, improved highways, extension of our own inland waterways, improvements in our harbors and docks, and an adequate appropriation by Congress to take proper care of our ex-service men, it is ridiculous for the people of the United States to spend $500,000,000 to help an adjoining country to build a paralleling and competitive route in territory without the United States to compete with an existing all-American route within the territory of the United States.

35. Our policy should be American money for American waterways within the territory of the United States.

36. If Great Britain controls, through Canada, the export harbor, and Liverpool the import harbor, as well as the boats in which our grain and farm products are shipped, she will also control the price; and she being a consuming nation, her control of the price will be downward, and the farmers will lose more in the selling price of their commodities than they can possibly gain if all the promises be true of the reductions in the transportation rates.

37. What the farmers need to-day is immediate relief by being supplied with the necessary water, rail, and highway transportation facilities at reasonable rates.

38. This foreign canal which some are in favor of building in the Dominion of Canada can not be constructed, properly

equipped with terminals, boats, and other equipment within 10 years' time, and what the farmer needs to-day is immediate relief.

39. Before we consider the 50–50 improvement of the St. Lawrence River, we should at least own all that land between the present boundary of the United States and the center of the St. Lawrence River, reaching from its source to its mouth and south of the Gulf of St. Lawrence, which is now part of the Dominion of Canada.

40. Whenever a water power is developed the land contiguous and adjacent thereto improves in importance and value because the land bordering upon a waterway development is the storage battery, the reservoir, and transformer for the developed horsepower. It is where the people congregate, create villages and cities, build manufacturing plants and industries to utilize the electric power, transforming the electric energy into articles of commerce and the necessities of life which the people of the world purchase. It is where the developed electric power will be accumulated and stored for hundreds of years in the future in the form of large populated manufacturing districts. Therefore, it is important and essential that we at least own the land bordering on one side of the St. Lawrence River and the right to develop and utilize one-half of the horsepower available at any and all places throughout its entire length if we are required to pay for half the cost of its development.

41. I introduced the following resolution (H. Res. 287) February 14, 1922, which speaks for itself. If the President of the United States accomplishes its purposes, he will have at least made the United States corecipient as to the water power developed:

Whereas the St. Lawrence River is a natural boundary line, and the interests of the Governments of the Dominion of Canada and of the United States are mutual in its utilization: Therefore be it

Resolved, That the President is requested to take such steps as are consistent and in accordance with international procedure with the Dominion of Canada and Great Britain to purchase all that territory in the Dominion of Canada lying east and south of the line comprising the center of the channel of the St. Lawrence River from its mouth to its source and the center of the Gulf of St. Lawrence, including the full riparian rights and rights to develop and utilize half of the water power from the St. Lawrence River; and

Resolved further, That the President is requested to use his best endeavors to have payments due the United States on the British debt credited on the purchase price of the territory so acquired.

42. The reason that the people who live within the Great Lakes watershed and the Northwest are demanding a waterway outlet to the sea via the St. Lawrence River through the Dominion of Canada is due to the fact that the railroads were congested during the war and that the present railroad rates were caused by the war. The congestion has ceased to be a factor. In addition this the New York State Barge Canal, with a carrying capacity of between twenty and twenty-five million tons annually, has since been put into operation and thrown wide open to the commerce of the world free of tolls, as the taxpayers of the State of New York pay for its upkeep, maintenance, and operation. This canal connecting the Great Lakes and the Atlantic Ocean parallels the proposed St. Lawrence canalization project in Canada and will give all the necessary water transportation service that is necessary to relieve the Great Lakes of its export tonnage at the present time or for a great many years in the future.

The barge canal will do more to relieve traffic than the proposed St. Lawrence ship canal because its open season is longer when compared with an approximate six months' season in the St. Lawrence River. Therefore it will have a more beneficial and continuous effect in its control of the railway rates from the West to the East.

43. The adjustment of the present railroad rates has been taken up by the Interstate Commerce Commission and will be, I believe, honestly and fairly dealt with from time to time and readjusted to meet the economic peace-time conditions. The readjustment of the railroad rates from the Great Lakes to the Atlantic Ocean will not be facilitated by the proposed canalization of the St. Lawrence River which can not be completed within 10 years.

44. If we are to derive any immediate benefit from the competitive waterway route to assist, it will have to come from the utilization of the present waterway lines competition such as the barge canal affords, which is now in operation.

45. The scheme of developing the St. Lawrence River with American money should never be allowed to become a reality until the United States at least is in a position to be a 50 per cent beneficiary, nor should we pay 50 per cent of the cost of the canalization of the St. Lawrence River until we are put in a position that the canalized St. Lawrence River throughout its entire length from the Great Lakes to the Atlantic Ocean is one-half within the territory of the United States.

46. I know from an engineering standpoint that this canal can be built, and the necessary dams can be constructed to develop the water power, and that the United States is rich enough to build them, but from our national standpoint they should not be built any more than the New York Central Railroad, the Pennsylvania Railroad, the New York, New Haven & Hartford Railroad, the Boston & Maine Railroad, the Rutland Railroad, and the Boston & Albany Railroad change their routes from terminals and harbors within the territory of the United States to terminals and harbors in the Dominion of Canada, so as to obtain terminal facilities nearer to Liverpool, than for the United States to change the route of its present waterway system by canalizing the St. Lawrence River, thereby creating terminal harbors in Canadian territory, so that the harbors may be closer to Liverpool. As far as our national transportation policy is concerned, there is no difference between a railway, highway, or a waterway route.

47. All our past expenditures and future efforts in relation to the improving of the Mississippi and Ohio Rivers and other internal waterway improvements will be useless if the canalization of the St. Lawrence River is made to compete to serve the same territory if it will accomplish what the proponents believe be true.

48. If this unheard-of expenditure is appropriated by Congress for the St. Lawrence waterway, it will naturally curtail the waterway development within the territory of the United States, as the total cost will require a larger expenditure annually for the next 10 years than what we are appropriating annually now for all our interior waterway improvements.

49. We should not expend so large a sum of money to give to a competing nation the same transportation facility which we enjoy ourselves, and in this instance, looking into the future, the total number of bushels of grain exported by the United States will gradually lessen as our domestic population increases, while the total number of bushels exported from Canada will increase, as they develop additional acreage, and as time passes the return on the investment will be much greater from a transportation standpoint to Canada than to the United States. Our policy should be to develop a waterway system which will serve best our own producers and consumers for all time in the future.

50. The great Atlantic seaboard cities—Boston, New York, Philadelphia, Baltimore, Norfolk, Newport News, Charleston, Savannah, Jacksonville, Mobile, New Orleans, Galveston, and all other Atlantic seaboard cities—have been developed and have grown prosperous largely on account of the close relation which has been built up, developed, and fostered for generations between the merchants, manufacturers, and traders, and the producers from the fields and mines of the interior in the development of the natural tributaries to these Atlantic ports, and vast sums have been invested by the citizens of our country on these avenues of commerce, the railroads and steamship lines carrying the produce of our mines, fields, and factories between the interior of our country and the Atlantic seaports.

51. Changing our commerce balance at this time by the Government of the United States by the construction of an avenue of commerce running almost entirely through foreign territory would have a disastrous effect, if the proponents of this project are correct, upon the great cities developed under the care of the Government and by means of the thrift, enterprise, and investment of the citizens of our own country; these would be destroyed in large measure by an appropriation from the public moneys of the United States obtained by taxing these seaboard cities for a waterway through foreign territory in competition with our domestic enterprises inaugurated and developed solely by the citizens of the United States and domestic capital.

52. Railroad congestion can not be entirely relieved by a waterway which, due to climatic conditions, only operates normally six months in the year on account of ice and fog.

53. The grain from the Middle West near and adjacent to Kansas City should be shipped via the Missouri River and Mississippi River all the way to the ocean by water, rather than via railway for 200 miles so as to pass through the St. Lawrence or any eastern port.

54. When New York State investigated the building of the barge canal at a large expenditure it employed several commissions at different times, each composed of competent engineers, who in their reports condemned the St. Lawrence route and finally recommended the barge canal as it now exists, because from their experience and expert knowledge they believed it to be the cheapest and most economical waterway system that could be developed connecting the Great Lakes and the Atlantic Ocean, and the most practical and feasible scheme regarding width, depth, safety, and practicability of navigation.

55. The title of all the water-power rights south of the international line belong to the State of New York. The Federal

Government can not develop it except for commerce under the Constitution. The St. Lawrence project is more than a 75 per cent power project.

56. The deepening of the channels, the rebuilding of the harbors, and the installation of the proper machinery for handling freight in loading and unloading ocean-going vessels on the Great Lakes will cost over a hundred million dollars in addition to the expenditure in the St. Lawrence proper.

57. It is not conducive to the continuance of harmonious and pleasant relations for two nations to enter into joint ownership and operation of so important a project. Either one or the other should build it, own it, and operate it, and have full control of it in time of peace as well as in time of war.

58. During the war time Canada cut off the supply of electric power to some of our manufacturing plants under the plea that she needed it for war-time purposes. The same thing will hold true in relation to this project if similar and like conditions should arise.

59. The truth about water navigation from the Middle West to Liverpool is that at most three types of craft are needed—lake vessels, built lightly and inexpensively, for cargo-carrying purposes exclusively; barges to traverse the interval between the Lakes and the sea, and the heavily constructed ocean craft, with large crews, staunchly built, which can brave the ocean storms and make as many round trips as possible in a given time.

60. The commission which represented New York at the ship-canal hearings before the International Joint Commission reports that the average cost of transportation of wheat per bushel from upper lake ports to Liverpool, via Buffalo and the Erie Canal, was only 10.73 cents in the five years from 1910 to 1915. How can that normal rate be lowered to the western farmer by introducing a through ocean route to the Great Lakes, handicapped by far greater initial cost and greater cost of operation?

61. The lake steamer hauls freight both ways. The ocean carrier would return from Liverpool without a cargo if it returned to a nondistributing center in the United States, for the return cargo is the great problem for our existing ocean liners to-day.

62. I beg to submit statistics reported by the commission in opposition to the St. Lawrence Ship Canal and power project in a table setting forth the rate of freight by lake to Buffalo and by canal to New York year by year from 1910 to 1915 and from New York to Liverpool for the same length of time, together with a list of other costs, which includes various expenses for handling the freight which was absorbed in this freight rate.

Taking a more recent period, that of 1910 to 1915, which period is considered as more truly representative of present-day conditions, the rate of freight by lake to Buffalo and by canal to New York was as hereafter shown.

Year.	Lake.	Canal.	Through.
	Cents.	*Cents.*	*Cents.*
1910	1.06	4.08	5.14
1911	1.03	4.36	5.39
1912	1.36	4.32	5.68
1913	1.40	4.57	5.97
1914	1.28	4.27	5.55
1915	1.33	4.47	5.80
Average	1.243	4.345	5.588

During the 1910–1915 period the average ocean rate from New York to Liverpool was 5.15 cents per bushel. This information is derived from the official records of the New York Produce Exchange and is authoritative.

In citing figures of this character, particular emphasis should be laid on the fact that the bases named represent the transportation charges assumed by the commodity and not the cost of transportation as reflected in the charges of lake vessel, canal barge, and ocean vessel operations. Such latter figures are of course appreciably less than the rate of transportation under which the grain moved and a clear distinction must be made between "cost of transportation" as applied to the ship operator and "cost of transportation" as assumed by the consignee or consignor.

Moreover, the rates named include the transportation service via lake, canal, and ocean, and the incidental terminal service involved in transfer from lake vessels to canal barge and again to the ocean carrier.

The rates named are gross rates, and there is absorbed therein the cost of the following operations:

1. Elevator charge at upper lake port.
2. Lake cargo insurance.
3. Lake transportation to Buffalo.
4. Elevator charge at Buffalo.
5. Five days' free elevator storage at Buffalo.
6. Canal cargo insurance.
7. Canal transportation to New York.
8. Elevator charge at New York.
9. Three days' free storage on canal barge at New York.
10. Five days' free elevator storage at New York.
11. Ocean cargo insurance.
12. Transportation via ocean.

The average ocean rate, New York to Liverpool, as cited, is exclusive of the rate for the year 1915, during which year, because of war conditions, ocean rates reached abnormal levels.

Annual average freight rates on wheat per bushel, from Chicago to New York, by lake and canal, and by lake and rail, and from New York to Liverpool via ocean, for the years 1900 to 1914, inclusive.

Year.	By lake and canal.	By lake and rail.	New York to Liverpool.
	Cents.	*Cents.*	*Pence.*[1]
1900	4.92	5.05	3⅜
1901	5.64	5.57	1½
1902	5.75	5.78	1 7/16
1903	5.94	6.17	1 7/16
1904	5.21	5.02	1⅛
1905	6.01	6.29	1⅛
1906	6.44	6.40	1 7/16
1907	7.18	6.97	1⅛
1908	6.50	6.50	1 7/16
1909	5.85	6.88	1⅛
1910	5.60	6.54	1½
1911	5.87	5.23	2
1912	6.07	6.42	3 1/16
1913	6.20	6.81	2 1/16
1914	5.81	6.54	3

[1] A pence is equivalent to 2.03 cents on basis of $4.8665, the normal value of the English pound sterling in American money.

63. I quote below paragraphs from letters received from seven different shippers from various trans-Atlantic navigation companies setting forth their opinion as regards the uselessness of this project and their likelihood of utilizing it should it be finally constructed:

In reply to your letter of March 11, we beg to advise that there is no possibility of our using the Great Lakes and St. Lawrence River Canal should such be built. As a matter of fact, we are not in favor of the canal, as we feel that it will divert business from the established routes which we are interested in maintaining and on basis of which permanent terminals have been provided by us. We are positively opposed to the diversion of our cargoes from the United States North Atlantic ports.

I entirely and heartily approve of your attitude in this matter. I believe there is grave doubt as to whether the St. Lawrence Canal development would accomplish sufficient in the way of results to justify the cost of building the canal and developing the water power for which there is no near-by market.

There is, of course, a very large territory between the Atlantic seaboard and Chicago south of the Great Lakes and the St. Lawrence which would not be naturally tributary to the proposed route, so in any event we believe it would be impossible and undesirable to abandon our terminals at the Atlantic ports. Furthermore, many of our larger vessels draw in excess of 25 feet, so the use of the proposed canal would be confined to the smaller type of ship.

Replying to your favor of the 11th instant, we would state that our trade would not be affected by the proposed canal connecting the Great Lakes with the St. Lawrence River, and we therefore are not in a position to express an opinion in the matter.

The steamers handled by us are operating to Mediterranean and Adriatic ports and the greater part of this traffic would no doubt continue to move via the Atlantic ports.

If 25 feet is to be the limit of depth in the proposed St. Lawrence Canal it will, of course, only accommodate steamers of very moderate size, and the use of such a canal for steamers operating on the North Atlantic Ocean would therefore be limited. The White Star steamers are very deep draft, averaging in the neighborhood of 34 feet when loaded, so from a practical point of view it would obviously be impossible for them to navigate the proposed canal.

Referring to yours of the 11th with respect to the agitation of a 25-foot canal connecting the Great Lakes with the St. Lawrence River, as operators of overseas equipment we can not see wherein the proposed project would benefit shipowners or any appreciable number of shippers, so far as this country is concerned.

Independent of this phase of the project, it is not, in our judgment, a practical scheme, because ships suitable for ocean navigation could not safely be navigated in a 25-foot channel through the St. Lawrence River and the Great Lakes.

There can not be any safe, profitable business built up on such a project, from our study of this matter, and we are opposed to it.

64. Statement of Frank C. Munson, president of the Munson Steamship Line:

The proposition to canalize the St. Lawrence for ocean-going vessels is utterly impracticable from the shipping standpoint. Shipments of grain from Chicago to European ports by the proposed canal would require twice the time needed under the present system because of the low rate of speed with which ocean-going ships could navigate the 1,130 miles of this restricted waterway.

The cost of transportation on such ships through this canal would be at least double that under the present practice of sending grain by water to deep-sea ports for transfer to large ocean-going vessels. Only vessels of from three to four thousand tons could utilize a canal with a depth of 25 feet, as proposed, and even these would be unable to use many of the harbors and connecting waterways of the Great Lakes, which at the present time are only 20 to 21 feet in depth.

Thus to the cost of the canal, in order to make it practicable for these comparatively small vessels, must be added the cost of deepening Great Lake ports and channels.

In my opinion, any steamship company attempting to operate across the ocean and through the St. Lawrence Canal in competition with lines getting grain from rail or barge at New York or Montreal would be a losing venture from the start. If these facts were understood by our Representatives in Washington, there would be no question of their refusal to appropriate $252,000,000 of our good money or any part of such a sum for this purpose.

65. American labor's attitude:

Do you approve spending your American money in a foreign country to pay foreign workmen when so many American workers are unemployed?

Your answer is obvious, but your careful attention is called to what follows. Read it and act. Make your protest heard.

It is as a railroad man and a marine engineer, with the interest of my fellow workers at heart, that I am writing this, exposing one of the most brazen injustices ever attempted against the workers of the United States—a scheme to throw hundreds of millions of American dollars into a development in a foreign country, benefiting the working class of another country.

HAROLD K. LOVELESS,
Buffalo, N. Y.

66. The Federal Government should formulate and promote a national plan of internal waterways and adopt the principle of spending United States money for United States waterways under United States control.

67. The facts are that New York is not the "neck of the bottle," as claimed by the proponents of the St. Lawrence project. The St. Lawrence is already canalized and rates are already so low from Chicago to Montreal that no improvement is likely to be made in the St. Lawrence which can possibly affect the saving on grain rates as claimed by the propagandists in behalf of the St. Lawrence. The facts are that when a sufficient number of boats are placed on the barge canal the all-water rate via the Great Lakes-Barge Canal will be materially lower, and Montreal wants the United States to spend a half billion dollars so that without expense she will be able to retain a competitive waterway system with the waterways of the United States when they are made 100 per cent efficient.

68. In "a memorial concerning the fur trade of the Province of New York," presented to his excellency William Burnett, captain general and governor, by Cadwallader Colden, surveyor general of the Province, dated on the 10th day of November, 1724, Mr. Colden said that "notwithstanding all these advantages, which he had enumerated," the French labor under difficulties that no art or industry can remove. The mouth of the River of St. Lawrence, and more especially the Bay of St. Lawrence, lies so far north, and is thereby so often subject to tempestuous weather and thick fogs, that navigation thereof is very dangerous and never attempted but during the summer months.

"The wideness of this bay, together with many strong currents that run in it, the many shelves and sunken rocks that are everywhere spread over both the bay and river, and want of places for anchoring in the bay, all increase the danger of this navigation; so that a voyage to Canada is justly esteemed much more dangerous than to any other part of America. The many shipwrecks that happen in this navigation are but too evident proofs of the truth of this."

Notwithstanding all the precautions taken since that time, many ships have been wrecked in the Gulf and River of St. Lawrence. It is known as the "graveyard of the Atlantic."

In 1837 the *Albeuria* foundered in the Gulf of St. Lawrence and 525 lives were lost; in 1840 the steamer *Dundee* was wrecked and 292 lives were lost; in 1817 the steamer *Montreal* was lost 15 miles above Quebec with 253 lives; in 1898 the French liner *La Burgoigne* was in collision off Sable Island and 584 lives were lost; in 1914 the Canadian-Pacific liner *Empress of Ireland* was in collision with the collier *Storstad* in the St. Lawrence River near Father Point and sank in 20 minutes, and upward of 1,000 lives were lost. The commission which investigated that unparallel disaster found that the navigation of the St. Lawrence is attended with the constant probability of fogs. Captain Kendall said, "It was very foggy," and although the officers of the two vessels saw each other's vessel approaching, the fog settled down so suddenly that they were lost to each other's view and the collision occurred. It will be remembered that the loss of the White Star steamer *Titanic* in 1912 after colliding with an iceberg resulted in the loss of 1,500 lives. That disaster occurred, however, off the banks in the region of icebergs, which is the usual route of vessels passing between Liverpool and the Gulf of St. Lawrence.

Other disasters have occurred in the navigation of the River and Gulf of St. Lawrence, all of which tend to confirm the truth of the statements of navigators, in effect that the navigation of those waters, on account of the constant menace of fogs, snow, and ice, is most hazardous. This is borne out by the marine insurance rates, which increase from midsummer until November, when insurance can not be had at any rate, and thereupon insurance ceases altogether.

UNITED STATES SENATE,
June 17, 1921.

Hon. PETER G. TEN EYCK,
House of Representatives, United States,
Washington, D. C.

MY DEAR MR. TEN EYCK: I am taking the liberty of calling the first meeting of the Joint Commission on Agricultural Inquiry recently created, and the meeting will be held at my office, Monday, June 20, 1921, at 10.30 o'clock.

The first business in order will be the organization of the commission, and I hope that every member will find it possible to attend.

Very sincerely,

I. L. LENROOT.

HOUSE OF REPRESENTATIVES,
Washington, June 21, 1921.

Hon. PETER G. TEN EYCK,
House of Representatives, Washington, D. C.

MY DEAR MR. TEN EYCK: In accordance with the action of the Joint Commission on Agricultural Inquiry I have appointed the following subcommittee on plan and scope: ANDERSON, CAPPER, HARRISON, MILLS, SUMNERS.

I desire to have the members of the subcommittee meet at Senator LENROOT'S office, room 133, Senate Office Building, at 10 o'clock Thursday morning, June 23. Members of the subcommittee will please take notice.

Sincerely yours,

SYDNEY ANDERSON.

JUNE 23, 1921.

Hon. SYDNEY ANDERSON,
Chairman Commission of Agricultural Inquiry,
Washington, D. C.

DEAR MR. CHAIRMAN: Realizing that the report of your subcommittee on plan and scope will undoubtedly be received by the whole committee to-morrow, and feeling that the proper organization of our committee means so much for the future success of our work, and as the report of the subcommittee will be discussed in detail, I take great pleasure in inclosing you a proposed plan of organization of the Commission of Agricultural Inquiry for your information and consideration.

I have written this out, suggesting in a general way how we should proceed with our work in detail, and desire to file this with you, as I wish to record with the committee my views as regards the organization.

Very sincerely yours,

PETER G. TEN EYCK.

The subcommittee on plan and scope, composed of ANDERSON, CAPPER, HARRISON, MILLS, and SUMNERS, make the following report:

That the commission undertake, first, to assemble and organize available data:

1. On causes of the present condition of agriculture.
2. On the difference in price of agricultural products paid to the producers and the ultimate cost to the consumer.
3. On the comparative condition of industries other than agriculture.
4. On the relation of prices of products other than agricultural products to such products.

This with a view of securing a statistical picture of the existing situation with a view of development of a further specific line of inquiry.

That two subcommittees of three members each, the chairman of the commission to be an additional member of the subcommittees ex officio, be appointed by the chairman as follows:

First. A subcommittee to investigate and report upon the cotton situation, with particular reference to the ascertainment of existing surpluses in the United States, possible markets abroad, and ways and means for the disposition of existing surpluses in foreign markets.

Second. A subcommittee to investigate the live-stock situation, with particular reference to emergency credits.

These subcommittees to deal with immediate emergency conditions, not to interfere with pending legislation and measures of relief already under way.

That investigations relative to marketing be confined to grain, live stock, cotton, dairy products, vegetables, and fruits, with special reference to one or more commodities in each group.

That the commission employ a secretary with qualifications as an expert in the economics of distribution and an agricultural economist, the selection of the men to be subject to consideration by a subcommittee composed of ANDERSON, CAPPER, and MILLS.

PROPOSED ORGANIZATION OF COMMISSION OF AGRICULTURAL INQUIRY.

[By Mr. P. G. TEN EYCK, June 23, 1921.]

Each individual member should submit a complete list of all the different phases of the various subjects of the agricultural industry and all phases of other industries which relate to agriculture or have a bearing upon the cost of its produce, cost of distribution, and price received by the farmer.

After the above information has been properly tabulated the committee as a whole can segregate the subjects to which we should give our attention and consideration to carry out the purport of the joint resolution under which we are now functioning.

After this list of subjects has been approved of and settled upon by the whole committee, the committee should decide upon the various sources of information to be considered in our investigation of the subjects previously decided upon.

After having decided upon the various sources of information the committee should come to an understanding as to the best way of obtaining the information from the various sources.

Each subject should be heard separately, as far as practicable, so as not to be led astray on a tangent and confuse our hearings with other or foreign subjects and thereby scramble our ideas, jumble our information, and consequently cause further confusion when referring later to the various lines of investigation for comparative and joint use.

All hearings on any subject, or subdivision thereof, should be heard by the whole committee and not by a subcommittee.

When using departmental or committee files and reports of hearings on any subjects as outlined the data should be gone over by a hired expert and all pertinent information therein segregated and compiled with proper and suitable references for use of the committee and placed in the record of the committee hearing on each individual subject.

I believe the first thing the committee should decide upon is whether we shall take up this important subject from the standpoint of immediate relief or from the viewpoint of permanent remedy. I further believe that we should first give due consideration to the immediate relief of the farmers' present condition, and I feel this can be taken care of under the subject of finance, subdivided into domestic credit, foreign credit, and discount loans, and positive immediate relief given to the farmer within a very short time by intelligent action by the entire committee, which will give immediate and satisfactory relief to the farmer.

At the same time, the committee should consider the entire agricultural industry from a permanent remedial standpoint, which, in turn,

will lead into innumerable subjects on agricultural and interrelated industries, which should be considered in an orderly way in accordance with suggestion as outlined above.

I would further recommend that a complete record be kept of all the discussions and hearings of the committee as well as the decisions reached by it.

PETER G. TEN EYCK.

SUMMARY OF AGRICULTURAL AND INTERRELATED PURSUITS BEARING UPON THE AGRICULTURAL INDUSTRY.

(For consideration by Joint Commission of Agricultural Inquiry.)

[By Mr. PETER G. TEN EYCK, June 25, 1921.]

FINANCE.

Mortgages, discount loans—National or State banks, domestic credits, foreign credits, Federal land bank, Federal reserve bank, community financing on warehouse receipts, cooperative banking (interest rates).

TRANSPORTATION.

Railroad (rates, service), highways (building, location), merchant marine, waterways (improvement), joint terminal facilities, cooperation of all four; warehouses, and grain elevators.

MARKETS.

Domestic: Local, intrastate, and interstate.
Export.
Cooperative (cut cost of spread).

COSTS OF FARM PRODUCTS.

Production by farm labor: Planting and sowing, harvesting, and storing.
Purchases: Seeds, implements and machinery, and food supplies.
Marketing; financing; fuel for heat, light, and power—coal, oil, and electricity; total investment; interest on capital; taxes, insurance, and repairs; management and supervision.

ORGANIZATION.

Cooperative bargaining, cooperative buying, cooperative selling, cooperative manufacturing and canning plants, cooperative storage plants or warehouses, cooperative packing houses, cooperative cheese and butter factories.

LABOR.

Supply bureaus: Federal and State; hours, productive and nonproductive; wages; immigration. (Greatest cost entering production.)

IMPROVE PRODUCTION.

Seeds, cattle, poultry, diversified crops, soil treatment, crop treatment, and machinery.

STORAGE.

Farm storage, cooperative community storage, and central corporate storage companies.

STATISTICAL REPORTS.

Federal and State; amount of crops, domestic; amount of crops, foreign; amount of crops stored, foreign and domestic; domestic markets; and foreign markets.

IMPROVE LIVING CONDITIONS.

Education, rural schools, agricultural colleges, modern heating, sanitary plumbing, modern lighting, woman's work, community attractions, churches, social intercourse with neighbors, mail service, telephone service, and improved highways.

FARM PRODUCT PRICES.

Compare cost of production with price sold by farmer and price paid by consumer.

INTERRELATED INDUSTRY PRODUCTS.

Compare cost of production with cost to farmers.

COOPERATIVE MANUFACTURING.

Flour and feed, dairy products, cheese and butter, packing houses, and storage warehouses.

EDUCATION.

Rural schools; agricultural colleges; extension of mail service, Federal and State; bulletins, Agricultural Department; and farm organization.

LEGISLATION.

National; State; local; beneficial; restrictive; reciprocity (international) tariff; taxation; financial—credits; marketing; conservation; manipulation; and improved highways.

DISTRIBUTION.

Commission merchants, transportation, storage, packing, markets, retail stores, and cooperative organizations.

SUMMARY OF COMMITTEES, ORGANIZATIONS, COMMISSIONS, AND BOARDS FROM WHICH INFORMATION MAY BE OBTAINED IN RELATION TO AGRICULTURE AND ITS CONDITIONS.

(For consideration by Joint Commission of Agricultural Inquiry.)

[By Mr. PETER G. TEN EYCK, June 25, 1922.]

DEPARTMENTAL.

Department of State, Department of Treasury, Department of Interior, Department of Agriculture, Department of Commerce, and Department of Labor.

SENATE COMMITTEES.

Agriculture and Forestry, Banking and Currency, Commerce, Finance, Foreign Relations, Immigration, Interstate Commerce, and Irrigation and Reclamation.

HOUSE COMMITTEES.

Agriculture. Banking and Currency. Foreign Affairs. Immigration and Naturalization. Interstate and Foreign Commerce. Irrigation of Arid Lands. Labor. Merchant Marine and Fisheries. Roads.

MISCELLANEOUS.

Secretary of Agriculture of each State. Interstate Commerce Commission. Federal Trade Commission. United States Shipping Board. American Federation of Labor. United States Labor Railroad Board. War Finance Board. Bureau of Farms and Markets. Census Bureau. All farm organizations. Federal Reserve. Federal Farm Loan Board. Chamber of Commerce of the United States. Woman's organizations and housewives.

HOUSE OF REPRESENTATIVES,
Washington, June 24, 1921.

Hon. PETER G. TEN EYCK,
House of Representatives.

MY DEAR MR. TEN EYCK: There will be a meeting of the Joint Commission on Agricultural Inquiry in Senator LENROOT'S office, 133 Senate Office Building, to-morrow, Saturday, June 25, at 10.30 a. m.

I desire also to advise that I have appointed members of the commission to subcommittees, as follows:

Subcommittee to investigate the cotton situation: Messrs. Sumners, Robinson, and Harrison.

Subcommittee to investigate the live-stock situation: Messrs. Capper, Funk, and Ten Eyck.

Sincerely yours,

SYDNEY ANDERSON, *Chairman.*

JUNE 25, 1921.

Hon. SYDNEY ANDERSON,
Chairman Commission of Agricultural Inquiry,
Washington, D. C.

DEAR MR. CHAIRMAN: Your letter of June 24 at hand and noted, and beg to advise that I am very glad to accept the designation on the subcommittee on live stock, with the understanding that this committee is to report and recommend to the committee of the whole as regards the procedure of hearings and the investigation covering the immediate relief of the live-stock situation.

With the kindest personal regards, I beg to remain,

Sincerely yours,

PETER G. TEN EYCK.

JUNE 25, 1921.

Hon. SYDNEY ANDERSON,
Chairman Commission of Agricultural Inquiry,
Washington, D. C.

MY DEAR MR. CHAIRMAN: I take great pleasure in handing you herewith the data which I presented to the committee to-day, and am very pleased, indeed, to inclose you nine copies of the summary of agricultural and interrelated pursuits bearing upon the agricultural industry for distribution to the members of your committee; also nine copies of list giving various sources from which information of interest can be obtained for use by your committee. I am also inclosing you nine copies of my recommendation of proposed organization of the Commission of Agricultural Inquiry, copy of which I sent you yesterday with my letter of June 23, for similar distribution to the members of your committee. I have retained a copy of each of the above for my own files.

You realize that the above information is only submitted for the consideration of the committee as a basis from which to start, and is, of course, subject to such revision and modification as you or your committee deem advisable.

Trusting the above is the information you desire, I beg to remain, with the kindest personal regards,

Very sincerely yours,

PETER G. TEN EYCK.

HOUSE OF REPRESENTATIVES,
Washington, June 28, 1921.

Hon. PETER G. TEN EYCK,
Care of House of Representatives.

DEAR MR. TEN EYCK: This will acknowledge the receipt of your letter of the 25th instant, inclosing copies of memoranda submitted by you to the commission at its recent meeting. I am sending the memoranda to the various members of the commission to-day, with the request that they consider it carefully and come to the next meeting, which will probably be called for Thursday or Friday of this week, prepared to suggest additions or modifications of the program proposed by you.

Sincerely yours,

SYDNEY ANDERSON, *Chairman.*

AUGUST 1, 1921.

Hon. SYDNEY ANDERSON,
Chairman Joint Commission of Agricultural Inquiry,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Along with the compilation of data and statistics which our committee is preparing I would be pleased if you would have made a chart showing the comparison of the increase of railroad returns for the fiscal year and the year 1913; the increase of return upon other industries of the country for the last fiscal year and the year 1913, and the increase or decrease in the return of all farming products for the same periods of time.

In addition to the above, I would like to have the increase in the cost of operation and maintenance of each one of the above over the same periods of time, setting forth the increase in materials used and labor hired, separately, if possible.

We should also ascertain the number of changes and turnovers or the number of people through whose hands the various commodities or products of the farmer pass through from the time they are produced by him until they reach the consumer.

This, I believe, will be rather hard to obtain in all instances, but we can obtain an average number of turnovers for each of the following products: Cotton, wheat, corn, beef, hogs, etc.

The above information, together with a chart showing the cost of production to the farmer, the farmer's selling price, the packer's price, the commission men or warehousemen's selling price, and the retailer's selling price, will give the committee the necessary information to intelligently act.

I will take this up further personally with you when I next see you.

With the kindest personal regards,

Very sincerely yours,

PETER G. TEN EYCK.

OCTOBER 12, 1921.

Hon. SYDNEY ANDERSON,
Chairman Joint Commission of Agricultural Inquiry,
Capitol, Washington, D. C.

MY DEAR MR. CHAIRMAN: Referring to your request that I make suggestions as regards additional topics for the committee to report on, other than what we covered in the report which you are now having printed, beg to advise that in relation to the same I feel that when we consider the committee report we should take up my suggestion to the commission in my letter of June 25, 1921, which I submitted to the committee with my suggestions as regards organization, plan, and scope, in which I detailed the various things which the committee should consider in its hearings, which I feel detailed the subjects quite thoroughly.

The prominent things, however, as per our previous conversation, I beg to set forth as follows: Farm credits and farm banking; transportation rates, transportation service; transportation—water and rail; transportation—joint terminal facilities.

Marketing: Domestic and export; cutting spread between producer and consumer; cost of production to the farmer; farm accounting; cooperative bargaining; labor supply stations; farm stores and cooperative storage on farm and at joint terminals; statistical reports—domestic and foreign.

The appointment of a farm attaché in the American Consul General's offices in foreign countries for the purpose of securing agricultural statistics; farm living conditions; comparison of cost of production and cost of sale of farm products and cost of production and purchase price to the farmers of all commodities used by him; farm educational system on agricultural subjects; improvement in distribution of farm products, by elimination of the handling, and cutting the cost.

All of the above I set forth more in detail in my summary of agricultural and interrelated pursuits bearing upon the agricultural industry for consideration of the committee on June 25, 1921.

Hoping this is the information you desire, I beg to remain, with kind regards.

Very sincerely yours,

PETER G. TEN EYCK.

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OCTOBER 31, 1921.

Hon. SYDNEY ANDERSON,
Chairman Joint Commission of Agricultural Inquiry,
Capitol, Washington, D. C.

MY DEAR MR. ANDERSON: Referring to the printed report which you have submitted to the Joint Commission of Agricultural Inquiry for their correction and approval, beg to advise that I feel, as expressed to you at the meeting held last Friday evening, that the joint commission should not only issue a report setting forth in a general way from information received the cause of the troubles in the various agricultural pursuits at this time, but should make some definite recommendations as to what should be done, both by the farmer and the consumer, regardless of legislation, and by the legislators to relieve farm conditions and strengthen the agricultural industry of the country.

I believe that we realize that there are several fundamental causes for present-day conditions, such as the following:

(a) Farm credits.
(b) Cost of transportation and service.
(c) Local, domestic, and foreign marketing.
(d) Cost of spread and distribution between producer and consumer.
(e) Cost of production and labor.

So that you may understand more thoroughly what I mean, I will submit for consideration and recommendation in our report several of the things which I believe we should recommend for correction:

1. That suitable banking opportunity should be inaugurated to give to the farming industry of the country the same banking facilities on their turnover that all other industries receive to-day. There is a great need for the extension of time on discount loans to the farmer from nine months to one year. This can be accomplished by authorizing the Federal reserve bank to extend their discount time on farm products to the length of time of their turnover. The extension of credit by local institutions and the establishing of additional facilities where necessary.

2. That suitable accommodations for marketing be established, with a view of lowering the cost of spread so as to reduce the cost of distribution between producer and consumer.

3. Recommend to the farmers that they organize for the purpose of cooperative bargaining.

4. That the railroads reduce their rates on farm products systematically and scientifically, giving due regard to the localities of production and the localities of consumption.

5. That suitable and adequate joint terminal facilities be installed connecting the railway, waterway, and highways, and that sufficient and efficient terminals and proper warehouses be located at export ports with accommodations for farm products to be shipped abroad.

6. That the necessary merchant marine for the transportation of farm products be constructed and operated so that a continuous and even trans-Atlantic and Pacific waterway route to meet the demands of our foreign commerce be established.

7. That public markets be built in each of our cities for the mutual use of the farmer and consumer.

8. That an attaché or Government agent be placed in each consular agency abroad, whose sole duty will be to obtain information as regards the farm industry of that particular locality or country, so that he may obtain authentic information as regards the amounts of crops raised, the amount of produce stored, the amount consumed, the amount imported by the Government and from whom imported, and the amount imported from each country, and such other information as regards the method of growing, kinds of seeds used, and kind of food consumed in his particular locality.

9. That farmers inaugurate a system of cost keeping, so that he may ascertain what crops are most profitable in his locality, with the purpose of growing that which is best adapted to their particular sections.

10. That the farmers cooperate in establishing and building cooperative community storage warehouses to carry their produce from seasons of production over the entire season of consumption, and upon which warehouse receipts could be issued, which would be accepted as collateral at banks, etc., thus standardizing their products of diversified farming.

There are many others of more or less importance which the joint commission will undoubtedly desire to add to this list, which I submit merely for the consideration of the entire joint commission for recommended improvements in the farming industry of the country.

Respectfully yours,

PETER G. TEN EYCK.

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NOVEMBER 28, 1921.

Hon. SYDNEY ANDERSON,
Chairman Joint Commission of Agricultural Inquiry,
Washington, D. C.

MY DEAR MR. CHAIRMAN: In reply to your request of to-day as regards my suggestion in relation to recommendations as regards our report and the proposed legislation for the extension of credits to the agricultural interests, beg to advise that I feel it is essential that the reserve bank should be authorized to rediscount farm paper for the full time of the turnover of the farmer's products which are given as collateral on his loan at a local financial institution, other than what is known as the three-year turnover of the cattle-raising industry.

I believe that this committee should seriously consider the advisability of restricting all member banks of the Federal reserve bank as regards the maximum interest rate charged their customers on money received from the Federal reserve bank, permitting them to charge only a certain percentage of the legal rate which obtains in their respective States by law in which the loan is made, in addition to the rate which is charged them by the Federal reserve bank.

Very truly yours,

PETER G. TEN EYCK.

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DECEMBER 9, 1921.

Hon. SYDNEY ANDERSON,
Chairman Joint Commission of Agricultural Inquiry,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Referring to the difference of opinion of the various members of the commission as regards our report on finance, and the opinion of the members that we should make direct recommendations, in accordance with my suggestion, that the various members of the commission submit to you such recommendations they care to suggest for embodiment in the final report, in addition to issuing a statement setting forth a summary of our hearings as regards agricultural credits, I beg to recommend the following:

1. That farmers and live-stock producers be accorded the same banking facilities that all other business men receive.

2. That so-called short-time loans be furnished to them from six months to three years to meet their requirements, extending the loan to meet the time of the turnover on various products of the farmer.

3. That the banking system of the country be so organized that all the banks who loan to the farmers will obtain discount facilities to the fullest extent possible, commensurate with the security which they present.

4. That a medium of discount be established for all the banks which loan to the farmers so that farm paper will have discount rights in the Federal reserve bank.

5. That all the banks that rediscount farm or other paper be restricted as to the additional amount of interest they charge to their farmer customers over that which they pay to the rediscount bank.

6. That banking facilities be provided for the farmer so that his products can be utilized for basic credit to the fullest extent possible, and the banks be authorized to accept loans with proper warehouse certificates as collateral, and suitable and adequate arrangements for the discounting of agricultural paper for the full length of the time of the turnover of the product on which the loans are negotiated.

Very sincerely yours,

PETER G. TEN EYCK.

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JOINT COMMISSION OF AGRICULTURAL INQUIRY,
Washington, D. C., December 13, 1921.

Hon. PETER G. TEN EYCK,
House of Representatives, Washington, D. C.

MY DEAR MR. TEN EYCK: This will acknowledge yours of the 28th ultimo, containing recommendations with respect to the credit report. I shall be glad to lay the suggestion before the commission at its next meeting.

Sincerely yours,

SYDNEY ANDERSON, *Chairman.*

The CHAIRMAN. The time of the gentleman from New York has expired. The gentleman from Wisconsin [Mr. VOIGT] has 36 minutes and the gentleman from Arkansas [Mr. JACOWAY] 25 minutes remaining.

Mr. VOIGT. I yield 10 minutes to the gentleman from Pennsylvania [Mr. GERNERD].

Mr. GERNERD. Mr. Chairman and gentlemen of the committee, the Nation prospers and advances in proportion as its population conserves its physical strength. The vitality of the race is dependent upon the health of the parent and the care with which the infants are nourished. One of the greatest factors underlying this vital question is the character of our food supply. It has only been in recent years that real serious thought has been given to this subject. The great insurance companies of America have made so many startling observations of the marked decline in the health of men after they pass the age of 50 that the medical profession all over the world began to direct its attention to the causes that produce this alarming fact.

Investigations and careful experiments have demonstrated the unerring truth that we are grossly negligent in the character of the food that we eat. We crave after the things that please the eye and gratify our taste, but which lack the essential quality that preserves our health and insures longevity of life. Apoplexy, heart failure, and Bright's disease have proven far more deadly to the men of 50 than did all the fearful and tragic attacks of the enemy in the late war. Have we forgotten the great crusade that was begun less than 20 years ago and carried on with such relentless zeal ever since to arrest infant mortality? Almost immediately it was discovered that the great cause of this scourge was impure milk which was being fed to babies throughout the land. Every effort was made to correct this startling discovery; there was not a city in the country that did not pass rigid ordinances regulating their milk supply and employ every effective means for its enforcement. State legislatures passed laws for the purpose of enforcing sanitation and inspection of the great herds of dairy cattle in order that the germs of infected cattle might not be transmitted in the food; in addition, a vigorous campaign of education was inaugurated, with the result that thousands of our infant population were saved during the last decade and the general health of the Nation conserved.

It has been demonstrated beyond question that one of the basic foods of our people should be the pure and wholesome

milk of the dairy cow; it possesses a quality of food value essential to real health. We are reliably informed that the American people consume daily but one-half pint of milk per capita, whereas our natural consumption should be a quart a day. Rickets in infants, pellagra, and low blood pressure are the chief characteristics of those suffering from lack of proper nourishment. Men are walking the streets by the thousands apparently in the best of health, who upon physical examination are found to be undernourished, caused by the lack of proper food. As a nation we are just beginning to appreciate the importance of health conservation. This is evidenced by the universal establishment in every community of a well-regulated public health service. Realizing, then, the importance of having a strong, vigorous, and healthy population, and that largely our national happiness and prosperity is dependent upon it, we are considering a bill to-day that presents to us a situation, fraught with real peril, unless we in our wisdom shall promptly act to prevent its further progress.

This bill seeks to prevent the manufacture and sale of filled milk. You will ask, What is filled milk? It is an imitation of condensed or evaporated milk, made by mixing condensed skimmed milk with coconut oil. Condensed or evaporated milk is condensed whole milk, with all of the cream and butter fat as produced from the cow, whereas filled milk is manufactured by skimming the cream and removing the butter fat from the natural milk and substituting in place of it coconut oil. Whenever the cream or butter fat is extracted from the whole milk and coconut oil is substituted the product loses its nutritive value. No one has contended that coconut oil possesses any real food value. Whatever food value this filled milk possesses is in the skimmed milk with which the coconut oil is mixed. We all appreciate the insignificant value of skimmed milk in our daily experiences; everybody conversant with the subject acknowledges that this filled milk substitute possesses none of the high food values that are contained in condensed or evaporated milk; it is a fraudulent substitute. What, then, has prompted its manufacture? During the year 1920, 86,561,000 pounds of this filled-milk product was made and sold, and in its manufacture nearly 8,000,000 pounds of coconut oil were used. It has been shown that it costs 86 cents per case (of 12 cans) less to manufacture this milk compound than pure condensed milk, and that it is sold upon the market in carload lots for $1.40 per case less than is realized for condensed milk. Why, then, should this new product have such a marvelous demand when it has but little of the great food value that is found so abundantly in the legitimate product?

It is easy to understand the reason if we but realized that it costs considerable less to manufacture than that of condensed milk, so that its producers are able to engage in unfair competition with the legitimate producers of condensed milk. Coconut oil sells for 12 cents per pound, while the market price of butter fat is 36 cents per pound. These manufacturers have expended huge sums of money in spectacular advertising, skillfully leading a large public to believe that it is as good a product as condensed milk, and that it is a substitute, selling for less money. So adroitly have they introduced their brands that millions buy the substitute, believing it to be real condensed milk. The retail stores have been selling it for the same price per can as they have been getting for the legitimate article.

Mr. WATSON. Will the gentleman yield?

Mr. GERNERD. Not now, thank you.

It has been shown that 156 stores in the city of Washington have been selling it as a milk product and classing it with condensed milk. Unfortunately very few merchants that sell this compound are aware that it does not possess the same food value as condensed milk, and in their ignorance they stimulate its sale for the reason that they can buy this substitute for $1.40 per case less than they can purchase the legitimate article. These producers of this milk compound nowhere pretend that it possesses any superior quality over that possessed by condensed or evaporated milk, but, on the contrary, every method is employed to deceive the public in believing it to be a similar product and as good as condensed milk.

So successful have they been in the sale of this product and the growing demand for it that they are alarmingly and seriously encroaching upon the legitimate manufacturer who puts forth the real product, that he is in danger of being put out of business or else forced to manufacture a similar article in order to meet this vicious and growing competition. It is a most palpable fraud upon the public and a great injustice to the manufacturer of condensed milk.

Thousands of mothers are compelled to use condensed milk in the feeding of their infants, and through many years of persistent efforts and experimentations whole milk has been placed upon the market free of all impurities and still retaining the great nutritive value that fresh milk possesses. To-day thousands live in tenement houses and apartments where the question of a fresh milk supply is a most difficult and serious problem. There are many localities throughout the country where it is impossible to serve fresh milk. This is especially true in many of our mining localities who are far removed from pasture lands. Under these circumstances it was but natural that condensed and evaporated milk should find an established place in so many of our homes. The people have learned its use with perfect safety and appreciate its wholesomeness. It has become an indispensable part of the family table. Everyone has absolute confidence in its food value. So universal has become its use that last year we consumed approximately 1,500,000,000 pounds of condensed milk.

How can we, then, in view of these facts, permit an imitation milk product which to all appearances possesses all of the characteristics of real condensed milk as to color, taste, and consistency and which requires an expert to make a chemical analysis in order to discover the deception?

Are we going to exercise a rigid supervision over our fresh milk supply by having daily inspectors inspect the milk and determine whether it has been watered or tampered with and whether it contains at least a butter fat of 3 per cent, and then, on the other hand, permit the manufacture of a milk compound that is free of the essential ingredients that we demand in our fresh milk supply? Such a situation is plainly unjust and inconsistent.

These producers of milk compounds would have you believe that they are a great aid to the dairy industry of the country, because they allege that they consume about 200,000,000 pounds of skimmed milk per annum in the manufacture of their product. To my mind nothing could be more absurd than such a contention, for any inferior and deleterious product that is sent forth in the market in competition with the legitimate product is not a stimulus to that industry, but is a serious menace and maliciously destructive. Shall we permit these men to continue to profit at the expense of the Nation's health and the many years of toil and persistent efforts of the dairy farmer? Are we going to hinder the growth and further development of this life-preserving industry? Are we going to stand by the farmer who by great vigilance watches his herd, gathers his milk, and sends it to the market to feed us, or are we going to embarrass him by permitting a fraudulent substitute competing with his real product? Shall we permit the innocent babe to drink this foul and deceptive imitation? It is a most nefarious enterprise, and I trust our action here to-day will put an end to these conscienceless promoters who would build castles of wealth over the dying babe that struggles for life while innocently drinking this concoction of coconut oil while its anxious and loving mother wonders why its little cheeks are falling in and its lifeless limbs appear so withered. Let us stand by the babe of the Nation and the dairy cow. [Applause.] May her marvelous stream of life-giving milk ever flow on in all its purity; may she always continue to impart the God-given gifts as she gathers them in the green pastures amid the sweet-scented flowers and the babbling brook, and in that mysterious way of nature transmit to humanity life, happiness, and a spark of the Divine. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and twenty-two Members present, a quorum.

Mr. VOIGT. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. CLAGUE.]

Mr. CLAGUE. Mr. Chairman and gentlemen of the committee, the reason I am in favor of the present bill is that it is going to wipe out a product that is and has been placed upon the market and sold to the people as a food substance known as filled milk, which is a deception, a fraud, and a counterfeit. It is not the natural product. It is made by taking all the butter fat out of the real milk and then putting in the lifeless skimmed milk, a counterfeit substance, in place of the butter fat, and this resembled product, or filled milk as it is called, is an exact imitation of real milk. In many places it has been sold as cream and sold in bulk. I happen to be a member of the Agricultural Committee and had the privilege of hearing all the evidence that was given before the same. During the time that the hearings were held I made a little investigation around the city of Washington for the purpose of finding out whether or not this substitute was sold in the city of Washington. Several of the witnesses who appeared before the committee in opposition to the bill stated that this substitute was just as good as the average condensed milk. Here is a can

of Carnation brand of evaporated milk. I also have before me a can of Hebe, or a substitute known as filled milk. You will observe that the substitute looks the same as the genuine evaporated milk, and if any of you gentlemen can tell the difference in taste or any difference in the appearance, I would like to have you do it.

Mr. RAKER. The Hebe looks a little more like cream.

Mr. CLAGUE. Perhaps it does in this instance, but they ordinarily look the same. As I stated, I made an investigation about a year ago, going to 25 or more stores in the city of Washington, most of them on the outskirts. In all of the stores I asked for evaporated milk, and in at least two-thirds of them they stated that they did not have the Carnation or the Borden brand of evaporated milk but they had a substitute which was just as good. The substitutes were Nutro, Hebe, and other brands of filled milk. In most of the stores the substitute was being sold from 1 to 2 cents lower than the pure-milk brands. I was invariably informed that these substitutes were just as good as evaporated milk, and were just as good for all general purposes. I made an investigation at one of the leading stores on Pennsylvania Avenue and asked for evaporated milk, and the storekeeper stated: "I don't have Borden's or Carnation. I usually carry them, but I have here the Hebe, a substitute, which is just as good for all purposes." It was about that time that the labels on the cans were changed. About a year ago these substitutes did not have on the cans the words, "Do not use in place of milk for infants," but it was printed on the cans that the substitute was good for all general food purposes, and it was sold to the patrons for the use of children and for all food purposes. In many instances I purchased cans of the substitute filled milk, and upon examination I found it impossible to tell the difference between the substitute and the genuine article. The substitute is made the same color, so that the ordinary person can not tell the difference in appearance. The same amount of solids are used in it that the law requires for evaporated milk. It tastes and looks like pure milk. The housewife can see no difference, because it takes an expert to tell the difference between the fraudulent substitute and real milk.

There is the trouble. This substitute is a pure deception, a fraud, and a counterfeit. In these substitutes the whole butter fat is taken out. There is no life-giving substance in it, and therefore if it is not good for infants it is not good for adults.

The gentleman from Virginia said something about its not being good for infants. What is the natural food for infants? All will admit that it is milk. When a mother goes to the store and buys this substitute and it is sold to her as it has been in the past for something just as good as pure milk, that is a deception and a fraud and should be prohibited from being sold.

I made another investigation within the last 10 days in this city, going to most of the stores that I visited about a year ago. I found that I could not buy a single can of Hebe or other substitutes in any of these stores. I went to the same store on Pennsylvania Avenue that I did a year ago and asked for Hebe or a substitute milk, and the storekeeper stated: "My friend, I am not selling it any more." I said, "But you said last fall that it was just as good as the real milk." He stated, "I have learned that it is not and the Government has put it out of business. It was represented to me, when I bought it, to be just as good as the real milk and I sold it honestly, believing it to be so. But I have since found out that it is not."

I went out on Fourteenth Street to some other stores on the outskirts where they have been selling it, and was informed by the various merchants that they did not keep it in stock and were not selling it, that they had found out that it was a fraud and they did not want to impose it upon their customers, and as a result of my visit to 31 stores within the last 10 days I could not purchase one can of this substitute, filled milk, which shows that either the merchants of this city want to do an honest business or that the people have learned that this substitute is worthless and will not purchase the same.

Mr. RAKER. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. RAKER. How did the Government put this man in the Pennsylvania Avenue store out of business?

Mr. CLAGUE. Well, the Government did not put him out of business, but the substitute was found to be a deceptive product and the Government put certain regulations in the way of requirements on the labels. People became better acquainted with its being a deception, and no doubt the merchants did not care to handle it and thereby deceive their customers.

Mr. RAKER. The gentleman has poured out in a glass some of this substitute called Hebe and also poured out in the glass a can of the Carnation evaporated milk. The Hebe looks like delicious cream, and nutritious. I would like to ask the gentleman if there is any nutrition in this substitute?

Mr. CLAGUE. Professor McCullom, who appeared before our committee, says that it has no nutritive value; that a rat fed on it for 60 days would die. You can test these two—one is pure Carnation evaporated milk; the other, Hebe, is a filled milk, a substitute for milk. You will see that the Hebe has a very creamy color and a creamy taste, but is wholly void of butter fat or vitamines. It tastes as good as the finest of milk, but is a fraud in so far as having any nutrition substance. Gentlemen of the committee, there is only one thing about it, and that is that this filled milk is a pure fraud, and the fraud is largely perpetrated upon the ignorant and poor people. The ignorant people in the cities to whom it is sold know nothing of the merits of the same. They are buying it, believing that it is fully as good as the real milk, and supposing that it is good for children and for cooking purposes and that it is legitimate evaporated milk, when, as a matter of fact, they are getting something that contains no life substance whatever. This substitute is being largely manufactured and has tended and is now tending to injure the sale of genuine milk. All legitimate creamery men are opposed to its sale. Our farmers are opposed to the substitute for the reason that it is a counterfeit and a fraud, and I am firmly of the opinion that the great mass of people would not buy it if they understood that it had no nutritive value. I am opposed to the manufacture and sale of these substitutes for the reason that they are valueless as a food product, deleterious, and injurious to the public health.

Mr. JACOWAY. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I think there is only one question in this whole proposition for us to consider, and that is whether or not this is a deleterious food. If it is not a deleterious food, even though it does not have all of the food value that good, fresh milk has, then it is nothing less than a crime to stop its manufacture. I say that it is a crime; and I want it understood that I mean that in its length, breadth, and thickness. I do not think there is a more infamous creature on the face of the earth than one who would make either food, clothing, or building materials scarce. All wealth is made up of those three things—food, clothing, building material. Some of the modern political economists add fuel; but, as is said by Smith, fuel produces heat, which is a substitute for clothing and is used to manufacture clothing and to prepare food and building material, and it ought not to be put in as a separate class of wealth. Every human being ought to know that anything which tends to make food, clothing, or building material scarce is an enemy to the human family. The problem in the next few generations is going to be whether or not you will be able to feed the world, whether they will be able to get a proper amount of good food supplies.

Only a few years back it was contended that the tomato, which was then known as the love apple, was poison, and there were men who thought it an outrage to try to perpetrate that horrible food upon the people. If they had had men in Congress at that time that we have here now, there would have been somebody rising up and saying we should pass a law to protect the people against that horrible poison. There is not a reputable physician who has investigated this matter who will tell you that "filled milk" is a deleterious food for man. Not a one. They say it is not good for babies. No. But are you going to stop the sale of breakfast bacon because breakfast bacon is not good for babies? Turnip greens is a good food, but it is not a good food for babies.

A MEMBER. What is that?

Mr. SISSON. Turnip greens. Why, Mr. Chairman, a gentleman who expresses ignorance on turnip greens is not fit to be in Congress. [Laughter.] Those people who come here to-day making a great outcry about this article of food upon the theory that it is deleterious to babies are putting up as much of a camouflage as they say the manufacturers are committing on the people in selling the article itself. They know they do not oppose it because of any such thing as that, but they favor this bill because this food is coming in competition with dairy products. Why not have the nerve to tell the truth about it? Why run around and get experts to come here and say that it is deleterious? You know very well that it is not deleterious. There is not one of you who does not know that it is not deleterious, and yet you want Uncle Sam to come along and protect you against competition. You never give the people who want cheap food a thought. A great many manufacturers of clothing in this country manufacture and sell clothing which they say is all wool and a yard wide and warranted not to run down at the heel, when there is not a single thread of wool in it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. JACOWAY. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. SISSON. Take socks. They are sold all over this country, and stockings, too, as being all silk, and the label on the box says that they are all silk, when there is not a single fiber in them that was not, perhaps, raised down in my cotton patch in Mississippi. It is nothing but mercerized cotton. I see a pair here now, nice-looking socks, with not a line of silk in them—all Mississippi or southern cotton—and yet these same people are in here yelling like a lot of Comanche Indians about this foodstuff not being labeled right. I do not object to your labeling it just as it should be and I am willing to require every article sold to bear a true label.

Mr. CHINDBLOM. What is the label on the can?

Mr. SISSON. Oh, there is too much of it there to read now. It will take up too much time, but I will hand it to the gentleman and let him read it at his leisure. When a contest arises like the contest a few years ago between two baking powders, it is something that is likely to ruin splendid reputations. Two men of national reputation got into a contest over baking powder. The contest was fierce. It came near ruining one administration since I have been in Congress. The Secretary of Agriculture said that one baking powder was good and the other bad, and a certain noted physician took the other side—one saying it was good and the other saying it was bad. In other words, the matter was a conflict between two selfish interests. If one won, he had a monopoly and a fortune; if he lost, he lost all and was ruined. This is the same fight here.

The constituent elements that enter into this compound, under the pure food law, ought to be put on the label on the can. I do not believe it should be necessary to put on there a legend to the effect that it is not good for babies. On the contrary, I think it would be an outrage to put on a legend that it is good for babies. If they want to, let them say that it is not to be used in coffee or for babies.

Under the English law the principle of caveat emptor, which applies in America, does not apply. Caveat emptor is the horse swappers' law in America. It means that when you buy a horse from a fellow you better beware. You buy or swap for him at the end of the bridle. Caveat emptor applies in all of our business, and more frauds have been perpetrated on people in America than in any other country in the world. Ours is the only country on earth where they will not take our samples for the entire contents of whatever package we are selling.

Why, because caveat emptor does apply. My view of the matter is that every State in the Union ought to pass a law providing that whenever one buys a piece of clothing as all wool it ought to be all wool, and if you can prove it is cotton, he ought to be sent to the penitentiary for obtaining money under false pretenses. Our business ought to be straight and square. Here you are endeavoring to destroy a food which no reputable physician will say is bad. Something has been said about rats. Why, bless your soul, you can take rats and give them an exclusive diet of fresh condensed milk every morning and they die as quickly as if you gave them this food in this can. In other words, no man can live on one kind of food. You are not giving the rat half a chance on one food. Corn bread is mighty good, but you can not live on it alone. Man can not live by bread alone. You have to have a little meat—a Chicago beefsteak mixed with it.

The only test here ought to be whether this food is deleterious. If it is not deleterious, I do not care about its food value, whether it is as valuable as milk or not. If it is food and is good food, I say to you Congress is committing a crime, nothing less than a crime to endeavor to destroy its proper use, because the man who makes two blades of grass grow where only one grew before is a blessing to humanity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, I yield three minutes to the lady from Oklahoma [Miss ROBERTSON]. [Applause.]

Miss ROBERTSON. Mr. Chairman, a few moments ago I crossed over to the other side of the House to inquire of gentlemen from North Carolina whether very much of this stuff [holding up the can of filled milk] was used in their State. You remember perhaps that statistics of the late World War showed that of men called to the colors the North Carolina contingent were nearer physically perfect, taller, and more free from disease than those from any other State.

Down in Oklahoma quite a number of our citizens were originally from North Carolina and they maintain this splendid standard. I have never known a North Carolinian who did not insist on good milk and plenty of it.

Just now as I was talking with those two tall North Carolina men over there, who had never made the acquaintance of "filled milk," we exchanged reminiscences of corn bread and buttermilk till we all felt half starved together. Do you know what sort of corn bread and buttermilk we meant? Corn bread made from hard white corn ground in an old-fashioned mill and buttermilk where the whole Jersey or Guernsey milk is put in a stone churn, with a dasher, and allowed to reach just the right point, and then when the butter is taken out after churning little golden flecks of it are left in the buttermilk. Out of pity I stop here without more reminiscences so tantalizing to those of us born and bred in Dixie.

Now, to consider this question by the Bible standard of milk for babies and meat for strong men. The Good Book says "babes have need of milk and not of strong meat," for "strong meat belongeth to them that are of full age." The babies—are you going to feed them this stuff? Shall poor mothers, unable to read the labels, misguided by the looks of the container, and deceived by the retailer, starve the babies? I have used quantities of these milk substitutes in cooking. They make very good custards, the richness of eggs supplying to a sufficient extent the butter fat that is removed. In the same way they make very good gravies and very good sauces, where fats and thickenings are used in preparing food for grown people. But they are not fit for babies.

Shall we starve babies in America for commercialism? Piteous appeals come to us all the while for the starving children of other lands, to send preserved milk to children in the Near East, to children in Russia. I am positive no filled milk is sent from America to them. Did you ever think of comparing pictures of these starving children with pictures that might be shown of the helpless little children among the poor people of our great cities, who must depend upon the corner grocery and the tin can for food, whose mothers can not read the label on the can? Think of the babies whose mothers can not give them that wonderful sustenance—breast milk—and must give them instead some other food.

I think, too, of the Indian mothers of our country whose lives are so changed since to many of them a "farce" of civilization came, by which, instead of the old free, outdoor life, with its nature-provided food, they now have the same insidious dangers in the unbalanced foods of so-called civilization to meet, and their dark-eyed babies must be starved, too, the doomed race sooner passing away. Perhaps the greatest number of babies of any one class to be affected are the negro babies of the South.

There are so many would-be reformers in these days who are trying to push the legalizing of birth-control teaching. The sale of this milk should appeal to them, for surely it will dispose of many thousands of "unwanted babies"—not unwanted by their mothers, but unwanted in America, if we may believe the advocates of birth control.

I realize that in this bill there are very dangerous complications so far as possible infractions of the Constitution may be involved. I am not one who would do away with all substitutes. As I have said, filled milk will do for food for adults, but not for babes. For instance, from the vegetable oils of our great Southland, from cotton seed and from peanuts, there come some of the best foods in the fat elements necessary for balanced diet that are available. For many years we paid fancy prices for our peanut and cottonseed oils which journeyed oversea, as many good Americans go, to return with a foreign title, and receive an immediate recognition, where before their value had not been considered.

Even further north, in the corn belt, we have unexcelled vegetable oils that we find may be used more wholesomely than the same grains produced metamorphosed into animal fat by way of the hog.

So I do not wish to be understood as objecting to the sale of substitute products except where we shall starve our babies. I am speaking not as a wise interpreter of the Constitution or of commercial law, but as one who would call attention to the need, if it can not be done by national legislation, of State regulation that will care for the babies.

Mr. VOIGT. How much time have I remaining?

The CHAIRMAN. The gentleman has 14 minutes remaining.

Mr. VOIGT. I yield to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. CABLE. Mr. Speaker, the result of the new 3 per cent restrictive immigration law is startling. In the last fiscal year without this law in force the net increase of immigration was more than one-half million. For the first nine months of the present fiscal year, operating under this 3 per cent law, the net increase is but 80,000. Strange to say, this increase consists entirely of women and girls. The male immigrant aliens admitted do not equal those who have departed; the female immigrant aliens admitted exceed in number those who departed by the 80,000.

The laws of the United States should be amended to permit these women to become citizens of the United States. In addition, there are more than two and one-fourth million female aliens 21 years and upward in the United States who are not naturalized. Under our law any woman who marries a citizen of the United States and who might herself be lawfully naturalized automatically becomes a citizen. This citizenship by marriage may be acquired without the woman being able to speak our language, without a study of our Constitution, and without even appearing in court and renouncing allegiance and fidelity to her foreign ruler, and without taking the oath of allegiance to the United States. Naturalization papers may be legally filed by an unmarried woman who is otherwise qualified, or by the widow of a foreign-born person not naturalized, but not by a woman during the existence of her marital relation.

I have introduced a bill granting to married alien women the independent right to be naturalized. A naturalization proceeding is an education in our language, laws, and form of government. The mother is best qualified to teach her children the true meaning of America and what it stands for. Married women, in my opinion, should have the independent right to be naturalized.

The last amendment to our Constitution provided that the right to citizens of the United States should not be denied or abridged by the United States or by any State on account of sex; but under the present law alien married women are denied the independent right to naturalization and the equal suffrage that goes with it unless they are naturalized through the naturalization of their husband.

Our law also provides that an American woman who marries a foreigner shall take the nationality of her husband, and that at the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States or by returning to reside in the United States; or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

The bill I introduced also provides that a woman citizen of the United States, who hereafter, being then a resident of the United States, marries an alien who may be lawfully naturalized shall remain a citizen of the United States so long as she continues to reside therein, unless she makes formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continually for two years in a foreign State of which her husband is a citizen or subject, or for five years continues outside the United States, she shall thereafter be subject to the presumption that she has ceased to be an American citizen.

The fact that a woman is married should be no reason to deny her the right of citizenship in the United States through naturalization proceedings if she is an eligible alien. Marriage of a citizen of the United States to a foreigner should not of itself terminate her citizenship. The laws of our country should grant independent citizenship to women.

Mr. VOIGT. May I ask whether the opposition has used up all of its time?

The CHAIRMAN. The gentleman from Arkansas has 15 minutes remaining.

Mr. VOIGT. I would like the gentleman from Arkansas to use some of his time.

Mr. JACOWAY. I think the argument on this side is concluded.

Mr. HARDY of Texas. I would like to take two or three minutes.

Mr. JACOWAY. I will yield the gentleman five minutes.

Mr. HARDY of Texas. Mr. Chairman and gentlemen of the committee, I do not know that much can be added to the argument, but it seems to me the lady from Oklahoma a moment ago supplied an argument against this bill instead of for it. She is for the babies. So am I. But I believe that all legislation that enhances the cost of better milk puts an obstruction in the way of the poor parent who wants to get pure milk for his baby. Now, if by this legislation you destroy any competitor of this article that might enter into competition with the milk producer, the dairyman, and thereby reduce the price of real milk, you will help put out of the reach of the poor parent the opportunity to buy cheaper milk. Here is this product that comes in competition and has the tendency to cheapen the price of real milk. Every time you drive a competitor out of the market you enhance the price of genuine milk. And this commodity has printed on the label of it that it is not good for children or for babies. Consequently nobody is being fooled. So that the only effect of this bill is by destroying competition you enhance the price of the baby's milk, and that, I take it, is the purpose of the bill.

I am as much opposed to any fraud as anybody on this floor can be.

If this was presented to the people as milk, if it did not carry on its face the warning that it is not good for babies, then I would be in favor of some bill requiring it to be so stamped. But I tell you that when the Congress lends itself to the putting out of the way of certain industries in any competition, we are stooping to a small business and to a purpose that in the end will return to plague us, for we do not know how soon it will be when your section or mine—and I am not interested in this matter—may have some product that is harmless but good for some things and not for others, and it may come in competition with something else that wants to drive it out of the market. And it is evident to me, from what I have heard, that the dairymen, wanting to raise the price of their commodity, want to get rid of a competitor that helps to reduce the price. Here is a competitor stamped on its face that it is not good for babies, can not be abused, can not be a fraud, sold on its merits for what it is worth, and the lady from Oklahoma says it is good for pies and custards; so why not let the public have it for that purpose? Why not let the man who uses it have it?

I have eaten coconut butter. I do not know whether or not it was good for sustenance, but I ate it when I could not get good butter, and really I preferred it to some butter. I do not think anybody should have the right to come in and say that if I wanted to eat it I should not have the right to eat it. If it is harmful and poisonous, forbid it. But nobody has said this substance we are driving out is harmful, and the label carries what it is on its face. It seems to me that we are aiding one producer against another producer when by the laws of equity and our own ideals of fair play in this free country we ought not to do it. It looks to me as if we were going outside of the proper function of government, whether it is constitutional or not, and therefore I do not think this bill ought to pass. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, I yield to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, there are two points which I have considered of controlling importance in urging the enactment of the Voigt bill. One is the self-evident fact that every manufacturer of the compound of skimmed milk and vegetable oil as coming under the definition of filled milk written in this bill, seeks to market his product just as nearly in the form and semblance of milk as is possible. I am not satisfied to give a clean bill of health or a clean bill of business morals or ethics to any business which seeks to make a financial profit out of a traffic of this self-evident counterfeit character. I have several good-sized cities in my district and I know that this product is being sold generally in the stores in those cities, and it is my belief that it is being sold generally for what it is not and that the purchasers generally think they are getting milk or something as good as milk, and the evidence which has been presented to the House Committee on Agriculture and the House Ways and Means Committee convinces me that this product is not as good as milk and ought not to be permitted to be sold. The man, woman, or child who goes to a store to purchase milk should be protected against any attempt to foist on them a substitute that does not contain the nourishing elements of genuine milk.

The second fact is that the public does not understand that there is a surplus of farm products in this country and that the production of farm products can not be controlled by closing the factory door and sending the workmen home until there is a shortage to bring up the prices. The farms must be operated, and I take it that it is one function of the Congress of the United States to aid in every possible way to improve the marketing conditions and add to the market for the products of the farms. The chief agricultural product of my district, excepting a small section, is milk. Milk for fluid milk consump-

tion, milk for the manufacture of butter, and milk in a much smaller way for the manufacture of cheese. I know that these farms must keep on producing. The importance of the continued prosperity of these dairy farmers is so great, not only to themselves and their families but to the business interests of my district and the country, that I know that I am justified in thinking of the larger importance of improving the market for milk in supporting this measure.

Mr. JACOWAY. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise merely to put in the RECORD a suggested amendment.

The CHAIRMAN. The gentleman asks to have the Clerk read in his time an amendment for information. The Clerk will read.

The Clerk read as follows:

Amendment by Mr. TUCKER: Page 2, line 11, strike out the words "or to ship or deliver for shipment in interstate or foreign commerce."

Mr. VOIGT. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. KINCHELOE. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and nine Members are present—a quorum.

The gentleman from Wisconsin [Mr. BROWNE] is recognized.

Mr. BROWNE of Wisconsin. Mr. Chairman, one-fifth of the Nation's food supply comes from dairy products, and it is, of course, important that these dairy products are pure and not adulterated. What do the filled-milk people do? In the first place, they extract the butter fat, the cream, the valuable vitamine product, out of the milk and leave the milk absolutely without nutrition to speak of. And this substitute for milk can not be detected by any person except a chemist upon examination.

Now we know that throughout the United States to-day, in every State that has not outlawed it, they are selling filled milk, and the majority of people who are buying it think it is pure milk with the valuable life-giving, growth-producing vitamine product contained in it. Even the Government of the United States was deceived and defrauded in the State of Ohio during the war, when it bought two carloads of condensed milk for boys at Camp Willis and they thought it was pure, unadulterated milk, when it turned out to be filled milk. So our boys were being fed a product to build them up and make fighting men of them that did not contain enough nutrition even to support the life of a rat, as was shown by Professor McCullom's demonstration.

The filled-milk industry is growing very fast. In 1917 we produced only about 35,000,000 cases of filled milk, and in 1921 we produced 86,000,000 cases of this filled milk, and if we continue at that rate it is going to drive legitimate manufacturers of full condensed milk out of the market, as several of the large manufacturers have said, among them the Borden people. It is also going to substitute the coconut cow for the Jersey or the Guernsey or the Holstein cow. You can manufacture this filled milk, as the evidence shows, for 2 cents a pound can. Think of it for a minute! And you can place it on the market and make it an object to the retail dealers to sell it a good deal cheaper than they can sell the other milk, and, of course, they will make a larger profit. Therefore many retailers are substituting filled milk for whole milk. In the State of Wisconsin, where they made an investigation in preparing their case for the Supreme Court, they found in 15 cities 65 cases of fraudulent sales of this milk.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. WALSH. Where do the manufacturers get this skimmed milk?

Mr. BROWNE of Wisconsin. From the farmer.

Mr. WALSH. The very man that is in favor of this legislation.

Mr. BROWNE of Wisconsin. They buy the full milk of the farmer and extract the cream and sell the cream and keep the by-product, the skimmed milk, and add the coconut oil in place of the cream. A law prohibiting the sale or manufacture of filled milk was sustained by the supreme court in the State of Ohio. The case went to the Supreme Court of the United States, and the highest court in the land sustained the State law. [Applause.]

Mr. Chairman, I am in favor of this bill to prohibit the manufacture of filled milk in the District of Columbia or its shipment in interestate or foreign commerce.

I favor this bill because it will protect the public from a counterfeit that when used in place of milk will undermine health, especially the health of children.

The public is unfamiliar with the term "filled milk." It is an imitation of condensed or evaporated milk. It is made by robbing milk as it is taken from the cow of its butter fat or nutritive value. In other words, the cream is skimmed off and coconut oil or peanut oil, or buttermilk and soda is substituted. The milk is then made into condensed or evaporated milk and sold in competition with condensed or evaporated milk made from the whole milk with its butter fat and its valuable and life-giving vitamine ingredients. This compound, which is known as filled milk, is a perfect physical imitation of pure evaporated milk, and it is impossible for anyone except a chemist to tell the difference between pure evaporated milk and the filled milk containing 6 or 8 per cent coconut fat in place of cream or butter fat, which has been extracted from the milk and sold.

Second. I favor this bill because it places the dairy farmer in unfair competition with the manufacturers of a product which no one except a chemist can tell from the original, and which can be manufactured at one-fifth of what it takes to produce the genuine article.

MANY STATES HAVE OUTLAWED FILLED MILK.

Already 11 States, representing a total population of 31,330,197, have passed stringent laws prohibiting the sale and manufacture of filled milk within their territory. These laws passed by the States have been bitterly contested, both in the legislatures and the supreme court of the States. So far as this legislation involving the constitutionality of the laws prohibiting the manufacture and sale of filled milk has been tested in the courts, the law has been sustained.

In a recent case in Wisconsin, which is now under advisement by the supreme court of that State, the referee's report dealt chiefly with the product Hebe, manufactured for the Hebe Co. by the Carnation Milk Products Co. This brand of filled milk is one of the six or seven leading brands of skimmed-milk compounds. The referee who reported on the Wisconsin case found from the evidence that this brand of filled milk was not a desirable or proper food for infants nor was a complete substitute for milk.

Ohio passed a filled-milk law which was upheld by the Supreme Court of the United States in the case of Hebe Co. et al. against Shaw, Secretary of Agriculture of Ohio, et al., reported in volume 248, United States Reports, page 297, sustaining the Ohio law, which forbids the sale, and so forth, of filled milk.

Doctor McCollum, of Johns Hopkins University, a very high authority on the subject of nutrition, testified before the Agricultural Committee that the vitamines that are absolutely necessary to promote growth in the human body are found most abundantly in butter fat, and that milk is the chief article of food relied upon for vitamine; that there is no effective substitute for milk; that filled milk is almost entirely lacking in vitamine. Doctor McCollum was corroborated by Dr. E. B. Hart, of the University of Wisconsin, another authority on the subject. Professor Hart says in his testimony that at least 90 per cent of the fat soluble vitamine of the whole milk is removed in the modern commercial skimming process.

Filled milk is sold under the various trade names, such as Hebe, Carolene, Enzo, Silver Key, Nutro, Nyko. These imitations are put up in the same size cans as regular condensed milk and are advertised by retail dealers as evaporated milk. In five cities there were 340 separate advertisements by 53 retail groceries of these brands of filled milk.

In the case now pending in Wisconsin it was shown that there were 65 instances of fraudulent sales made in 16 different cities in Wisconsin.

NO REMEDY EXCEPT BY PROHIBITING SALE.

It has been thoroughly demonstrated that imitation milks, with their history of misrepresentation and their unquestioned inferiority in nutritive value, can not be made safe for the public by proper labeling but must be prohibited altogether. Filled milk has been shown to be of an inherently fraudulent nature.

It has been put out as a substitute for the product for which it is a perfect physical imitation. It has been shown to be sold at retail and advertised by retailers in a fraudulent manner. It is not only an imitation and a substitute of a most important food that has been supplied by nature for the use of mankind, but it is pronounced by chemists and authorities on nutrition as an inferior imitation and lacking in nutritive value, which brings its manufacture and sale into vital relationship with public health.

EXTENT AND SALE OF FILLED MILK.

The Bureau of Markets shows that the sale of filled milk in 1917 increased from 35,031,902 cases to 86,561,000 cases. In 1920, 8,000,000 pounds of coconut fat were used in the manufacture of filled milk, taking the place of as many pounds of butter fat or cream. Some of the largest manufacturers of evaporated milk in the country state that unless Congress and the several States do something to stop the competition that they will have to go into the business of manufacturing filled milk or go out of business.

WILL EVENTUALLY RUIN THE DAIRY INDUSTRY.

Besides the amount of filled milk that is sold in this country, we are exporting large quantities. In 1919 we exported 850,865,414 pounds of full or unadulterated condensed milk, while in 1920 we only exported 414,250,021 pounds, or less than one-half of the amount. In the last few years the amount put out of filled milk has grown over 5,000 per cent, and the manufacturers of filled milk admit that the business is only in its infancy. The obtaining of milk from the coconut cow is a cheap process compared with producing milk from the Jersey, Guernsey, or Holstein.

The cost of a quantity of skimmed milk and coconut fat sufficient to fill 48 cans of filled milk is a little over 80 cents, or less than 2 cents per pound can. The retail price of 1-pound cans, which cost the producer 2 cents, sells for from 10 cents to 12 cents per pound. Thus the manufacturers of filled milk can sell their product below the cost of production of the unadulterated milk and make an exorbitant profit.

IMPORTANCE OF DAIRYING TO THE PEOPLE.

Dairying is engaged in by over one-half of the farming population of the United States. The milk produced in 1919 in the United States had a cash value to the producer of more than $2,000,000,000.

The dairy industry is connected more closely with the lives and health of every community and the national welfare than any other. The milk supply of every community is of vital importance to the health, happiness, and welfare of that community. Dairy products furnish the people with one-fifth of their food, and its bearing upon human health, particularly of children, has not been adequately appreciated, as indicated by the experience of the late war.

Herbert Hoover, who as head of the Relief Committee of Europe had great opportunity to observe the beneficial effects of milk as food, says:

In its broad aspect, the proper feeding of children revolves around the public recognition of the interdependence of the human animal upon its cattle. The white race can not survive without dairy products.

FOOD VALUE OF MILK.

The State Board of Education and the Superintendent of Public Instruction of California made one of the most thorough investigations of the nutritive value of milk. This test was made in the schools of Los Angeles and the report was summarized as follows:

MILK.

Increases body weight.
Increases rate of growth.
Increases physical skill.
Increases mental alertness.
Increases rate of school progress.
Increases resistance to disease.
Increases social adaptability.

Outstanding among the facts in this survey are the following:

Four and thirty-eight one-hundredths per cent of the children receiving no milk were found to be over the average graduation age, while only 1.38 per cent of the milk-using children who received 1 pint daily were over this age.

Eight and eight hundred and two one-thousandths per cent of the children receiving 1 pint or more of milk a day were ahead of their normal grade.

Seven and eight hundred and seventy-nine one-thousandths per cent of the children receiving one glass of milk a day were ahead of their normal grade.

Milk-using children can be forced in their school work with less ill effect upon their height and weight than nonmilk-using children.

There are two milk-drinking children ahead of their normal grade for each nonmilk-drinking child. (Report of the California School Milk Survey.)

LEGISLATION CONSTITUTIONAL.

This bill if it becomes a law would be clearly constitutional. Its constitutionality could be sustained, first, on the theory of prevention of fraud and deception; second, on the theory of the preservation of public health; third, the law can be sustained on the theory of the protection of the great dairy industry from irreparable injury. This would be for the benefit of the public or public welfare.

The Supreme Court can sustain this law much easier than in the case of the trading-stamp laws. The Supreme Court upheld the Florida law prohibiting the shipment out of the State of immature citrus fruit on the theory that it was within the police power of the State to prevent the shipment from the State of fruit, which would bring discredit upon the fruit-growing industry of a State.

It certainly is equally within the power of a State or the United States to prevent the milk it produces from being robbed of its butter fat and vitamine properties and manufactured into an inferior imitation of real milk and sent out to prejudice and unfavorably advertise the great dairy industry.

In the case of Hebe Co. et al. *v.* Shaw, Secretary of Agriculture of Ohio, et al. (Report, vol. 248, U. S. Repts. p. 297), the Ohio law was sustained, which forbids under criminal penalty the manufacture, sale, and so forth, of condensed milk unless made from unadulterated milk from which the cream has not been removed and in which the milk solids are equivalent to 12 per cent crude milk and 25 per cent fat.

The court held in this case:

We are satisfied that the statute as construed by us is not invalidated by the fourteenth amendment. The purpose to recommend a certain minimum or nutritive element and prevent fraud may be carried out in this way even though condensed, skimmed milk and Hebe should be admitted to be wholesome.

[Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE of Wisconsin. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JACOWAY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. JACOWAY. I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. WINGO. Mr. Chairman, this effort to destroy the market of the American farmer for one of his products naturally evokes a protest from any man who is a real friend of the farmer.

I was surprised at the remarks of the lady from Oklahoma [Miss ROBERTSON]. She made two arguments that were contradictory. She is an expert on custards. She knows something about custards, and she asserted that she had used this product you propose to outlaw in the making of custards, and stated that it made good custards.

Miss ROBERTSON. Yes; but when I made that statement I did not say that I would recommend that those custards be fed to babies.

Mr. WINGO. Yes; I have raised babies, but not on custard. I am very fond of custards. If I want to use this product to make custards, why should the lady object? Why should she vote to prohibit the shipment of this product to me, so that I could put it in custards? I have raised babies, and I know something about babies. If a man who will go home and assume that his wife does not know anything about raising babies when she has told him to go and buy some milk for the baby and he brings home condensed milk for the baby, just see what happens. [Laughter.]

Let your wife tell you to bring home some milk for the baby and you take home Carnation or any other brand of condensed milk, if she has any intelligence as regards the quality of food and knows about the proper raising of babies she will give you such advice that you will not make the same mistake another time. [Laughter.]

Gentlemen, you are piling law on law. The rule is clear that Congress has the right to protect people in certain ways through interstate commerce regulation. If there is anything that is misbranded or concerning which there is a fraudulent misrepresentation you have the right, and you have the power to exercise that right, to bar it from interstate commerce. If this can here is fraudulently branded, or a merchant on Fourteenth Street makes the representation that a Member quoted, he can be indicted under the laws of the District of Columbia and under the laws of every State in the Union. You have law now to punish the very fraud they complain of in every State in the Union, including the District of Columbia.

Now, I know that the theory of the modern socialist and Bolshevist is that the proper function of government is to stand at the elbow of men and women, stating what is good for them to wear and what is good for them to eat, and making the choice of their food. That is the modern theory. But, gentlemen, you do not raise strong men like those from North Carolina, to whom the lady from Oklahoma [Miss ROBERTSON] referred, by having the Government stand by and, through its agents, dictate to them what they shall eat. On that basis you would have a right to say whether a mother should dress a baby in red

flannel or in cotton. As for me, I do not propose to let anybody else tell me what kind of clothing I shall put on my child or what kind of food I shall furnish to him.

Gentlemen, I repeat, that if you misbrand this can, you have already a law upon it. If the groceryman says it is milk and represents it as having the same quality as milk, he could be indicted in my own State and in every State in the Union. You know the modern theory about States and communities——

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I will ask the gentleman not to interrupt me now.

That modern theory is that the States and the local communities and even the parents themselves can not be trusted; that you must have a Federal law and Federal officers to guide and to protect them. If you can pass this kind of a statute there are 100 other propositions that people object to, and they can come in and ask Congress to bar those articles from interstate commerce. There is another substitute that the lady from Oklahoma [Miss ROBERTSON] is friendly to. I do not remember the name of it now. I prefer it to whipped cream. I think it is better. A good many ladies prefer it. Yet it is not whipped cream. She would bar that from interstate commerce. Why, if you follow this to its logical conclusion you set up the judgment of the lawmakers as to what food is good for men and what food is bad. It is not a question of poisonous substances. It is not a question of things that are admittedly dangerous to public health in a general way. It is admitted that this is a good substitute for some things. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VOIGT. I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, representing one of the largest milk-producing districts in the United States, a district that supplies a large part of the milk consumed in New York City, I want to urge the immediate enactment of this legislation to prohibit interstate commerce in filled milk. The dairymen in our section of the country are eking out a very precarious living. The gentleman from Texas seems worried about the price of milk. If you permit imitations to be passed off for condensed milk, you are wiping out one of the main by-products of the milk producers, and of course if you do that the price of milk is bound to go up or the dairy industry will be wiped out. In our section dairymen average possibly $500 or $600 a year net profit, with the whole family working from 12 to 14 hours a day. They have big investments in stock and buildings, and besides working long hours incur a big risk from disease and the chance of losing their entire herds. During the war the milk industry in competition with the shipbuilding and other war industries which paid high wages was almost wiped out. The herds were reduced because of the impossibility to secure farm hands or to pay the prevailing rate of wages, yet the price of milk remained approximately the same.

The question is simply this: Is the production of milk an essential industry or is it not? Should we protect essential industries? That is what the dairymen are asking for here. This filled milk is not a fraud. It is simply a perfect imitation of condensed milk. In fact, it is exactly the same as condensed milk, except that it is without nutrition and has no value as far as feeding babies is concerned. This essential industry comes here asking protection, not from frauds, but from such imitations and substitutes. Why, this Hebe compound might just as well be chalk and water as far as benefiting the children of this country. We all know that there are thousands and tens of thousands of mothers who can not tell the difference, who can not even read, and who buy this filled milk because they think it is the same as condensed milk. It is exactly the same in appearance, and vast numbers of the women of this country use it for condensed milk. We ask this protection of an essential industry, for the protection of hundreds of thousands of children of this country and the consuming public. [Applause.]

(Bill passed House May 25, 1922.)

The CHAIRMAN. The gentleman from Wisconsin [Mr. VOIGT] has seven minutes remaining and the gentleman from Arkansas [Mr. JACOWAY] four minutes remaining.

Mr. ECHOLS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. ECHOLS. Mr. Speaker, I am opposed to the pending bill for three reasons:

First. It will increase the price of wholesome milk to the consumer and add to the taxation of the country.

Second. It is a violation of the Constitution.

Third. It is the most vicious sort of class legislation.

I shall not undertake to discuss the first, for the simple reason it is self-evident if we destroy competition in any commodity and increase the number of Government employees, the cost of the commodity and taxation will go up.

As to the second, I shall only say if Congress has the power to prohibit the transportation in interstate commerce of a food product, although that food product is inferior in quality to some other product of a similar nature, it likewise has power to prohibit the transportation of an inferior grade of coal or lumber for the same reason. However, there is nothing to show that "filled milk" is injurious to the health of the individual. It may be that it is inferior in quality to pure fresh milk, but that is not a reason for prohibiting its manufacture and sale in the District and our possessions or to prohibit its transportation in interstate commerce.

The advocates of this bill are far from harmonious in their statements relating to this product. One advocate [Mr. KNUTSON] in his argument says:

> The bill seeks to put a stop to a flagrant fraud.

Another [Mr. FISH] says:

> This "filled milk" is not a fraud.

There is, of course, no fraud. Every can of this product has plainly stamped thereon the contents of the can. To defraud is to deceive. No one can be deceived when he is plainly told what he is buying. But they say it is not good for babies. That may be so; neither are cucumbers, raw turnips, and a hundred other food articles; but that is not a reason for prohibiting their transportation from one State to another. All such legislation as this bill proposes is asked for on the ground of public welfare. It has no merit, so the baby is made the excuse to bring it support.

The whole purpose of this bill is to put the manufacturers of "filled milk" out of business because their product comes in competition with the dairymen of the country. "Filled" or condensed milk is the only semblance of milk that can be obtained by hundreds of poor people in the industrial sections of the country. If they are deprived of the right to purchase "filled milk," then they are deprived of the right to purchase any sort or semblance of milk whatever. If this bill becomes a law, the price of milk will go higher than it now is, and the poorer classes of people who can buy it now will not be able to reach it at all then. It is the most vicious piece of legislation that has been considered by the House of Representatives in the three years that I have been a Member.

If "filled milk" is injurious to the health of the people who use it, then there is a law in every State in the Union to punish those who sell it. The people in the Tropics use as one of their principal articles of food the products of the coconut. We here use coconut butter, and many people are very fond of it. No one, so far as I am advised, has ever been told that it is injurious to the health of the user.

The State legislatures and the Federal Government are passing annually some 15,000 statutes, and the courts of the country are rendering annually more than 15,000 opinions in an effort to interpret and apply these statutes. It is next to impossible for the individual possessed of even more than ordinary intelligence to understand and comply with the already too numerous laws. This piece of legislation will but add to the difficulties, and in the end result in nothing but additional litigation and cost burdens. There are now several hundred—some one has said more than 700—boards, bureaus, committees, commissions, departments, and so forth, here at the seat of the Government. Each one adds to the burden of taxation. Many of them are wholly useless, and some of them are even dangerously harmful. Some appointed to perform a specific duty which could have been performed in a short time have been in existence more than a hundred years and still are asking for appropriations and doing nothing.

This bill will add another to the list. Most of these boards, bureaus, commissions, and so forth, are the result of class agitation and class legislation. It has become very common for a few individuals, when not satisfied with things as they are, to insist upon the appointment of an investigating board, to be followed by a special measure peculiarly applicable to their particular grievances creating some new governmental agency to administer that law. Instead of forecasting the ultimate result of such legislation and making laws applicable to all the people, we have grown into the habit of passing laws applicable to classes; and the result is so confusing and works such manifest injustice we try to escape from one confusion by enacting

another statute that will have no good result but will add to the hopeless confusion we are now experiencing. The people of the country are weary of so much legislation that they do not understand and could not comply with if they did understand it. All of these difficulties give the paternalist and the demagogue a chance to propose some new "ism" or "scheme" promising relief. Words without number have been spoken in the last few years on nationalization of the industries of the country under the guise of public welfare, most of which were without thought and dangerous. Only recently the head of a great organization advocated the nationalization of the coal mines, but without any explanation of what such nationalization would mean. Nothing to show that coal would be produced and sold to the consumer cheaper than it is under the present system; nothing to show that the laborer who mines the coal would receive a greater compensation for his services than he now receives. We had a temporary nationalization of the railroads, from which we have not recovered and will not for the next quarter of a century.

Every time Congress passes an act providing for class legislation or class preferment, the darkness of the clouds that hover over this Republic become a little more dense. If the history of the world has settled any one fact, it has settled the fact that any government that tries to run everything will soon find itself upon the rocks. Any government that permits itself to be led into the realms of passion and hatred where it does not require its citizens to recognize the rights of others; where it legislates wholly in the interest of one class to the detriment of another, as this bill does, will soon find itself in the position of being unable to protect the life of its citizens. Any class of men that does not recognize the rights of others to carry on a legitimate business, although it may come in competition with their business, is a dangerous class to trust the control of the Government to.

There is nothing new in the fallacies and the "isms" proposed by the paternalist or the demagogue of to-day. All of them were tried centuries ago. They prate about democracy, talk about social justice and self-determination, and yet no one has ever been able to tell us what social justice is or where self-determination is practicable. Russia, with her starving millions, is the latest example of "self-determination" and class preferment. The present régime has brought more suffering to the people of that great land of opportunity and wealth than all the Czars who have reigned throughout the ages. The terror, crime, and hatred in Russia to-day surpass that of any other country in all history. Russia is a government without law, and a government without law is despotism; yet we were told by the Bolshevist and the Socialist that when the present régime in Russia started it was the fulfillment of the dream of the ages. Our country is drifting into a realm of paternalism where the Government proposes to stand guardian for the individual. No effort upon the part of the individual to protect his own rights and maintain himself is required. The pending bill is another step in the direction of socialism. It undertakes to say that the Government will take charge of individual judgment, tell the people what they must eat, whether the food they eat is wholesome or not, or whether it is to their liking. I am just as unwilling to force the individual to use "filled milk" as I am to deprive him of the privilege of using it. It is going a long way for the Government by a mere fiat of legislation to say to the public that a certain article of food shall not be used by them, although there is nothing injurious to the health of those who purchase and use it. This bill is class legislation run mad. If this sort of legislation is to be continued, then no concern can safely engage in manufacture of any new product whatever. If it should do so and that product should come in competition with the product of some other class more numerous than the one to which it belongs, it could expect the Congress to come along any minute and by mere legislative declaration, as was stated by the gentleman from Iowa [Mr. TOWNER] in proposing his amendment, which declares "filled milk" is deleterious, prohibit the sale of its product in the District of Columbia and our possessions and prohibit the transportation thereof in interstate commerce.

Mr. VOIGT. I yield two minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and members of the committee, during the three hours of general debate all angles of this question of the sale of a fraudulent substitute for milk have been presented very ably and earnestly, and we are greatly indebted to Members who have been to such great pains to arrange and present the many logical reasons for the passage of this bill.

Before entering on debate under the five-minute rule it may be helpful, however, to correct a few false impressions that have been left by some of the proponents of the measure.

The distinguished member of the committee from Louisiana [Mr. ASWELL] in the course of his argument led you to believe that the manufacture of this bogus milk product would make a great market for separated or skim milk. Do the manufacturers of this product buy separated or skim milk from the producers and then by the addition of the vegetable oil make up this fraudulent article? Nay verily! The overwhelming percentage of their purchases from the farmers is whole milk. The butter fat is extracted and vegetable fat substituted, thus making a profit both ways. One company in 1919 purchased 97.2 per cent whole milk and 2.08 per cent skim milk from which to make its bogus product. In 1920 this same company purchased 94.3 per cent whole milk and 5.7 per cent skim milk for the same purpose.

It must not be forgotten that the foundation of this fraudulent article is milk, and that every pound of it that is placed on the market displaces just that much wholesome product. Suppose that all whole milk were made over into this bogus article. Would the sum total of milk be increased? To urge such an argument is but to show to what extremes the opponents of this helpful legislation are forced to go in their attempts to defeat it. No, Mr. Chairman, the opponents of this bill can not justify themselves in urging that by turning whole milk into filled milk they are increasing the food supply. The dairy cow regulates that matter, and while the eloquence of the gentleman in opposition to this law may be very persuasive here, it does not inspire the dairy cow of the country to give one additional quart of milk.

The real purpose in this bogus milk game is to make money, not to prevent food waste. How is it done? The butter fat that sells for 35 cents per pound is extracted and vegetable fat costing 12 cents per pound is substituted. This bogus product is then put up in identical shaped cans and is sold upon the reputation of real milk.

The distinguished gentleman from Louisiana [Mr. ASWELL] further pleads for this bogus milk on the score of its cheapness and consequent advantage to the poor. Important if true. Let us see: First, let us look for a moment at the testimony of Mr. McKee, a representative of the Hebe Co., on page 8 of series H, part 1 of the hearings. He says that the price per can is 2¾ cents less for filled milk than for condensed milk. The cost to the retailer is evidently much lower per case. How about the customer? I present for the information of the committee in this connection a group of photographs of both condensed and filled milk actual sales with the price mark clearly indicated in each case. Three cans of each appear in the first picture. The three cans of filled milk total 19 cents, the three of evaporated 20 cents. One-third of a cent per can less for a bogus product whose representative testifies that its cost is 2¾ cents less. Here's another—nine cans condensed milk, 95 cents, and nine cans filled milk, 90 cents. One half a cent less per can for bogus product which cost the retailer 2¾ cents less per can. These cans were actual purchases in retail stores outside of chain stores.

Having disposed of the arguments of the opponents of this bill on the subject of food waste and cheapness, it may be well to turn for a moment to the food-value argument. It has been repeatedly stated here this afternoon that filled milk is injurious or deleterious to human health. Everyone concedes, of course, that it is not positively bad, but no one disputes the fact that it is negatively good. It is a sham, a pretense, and literally a wolf in sheep's clothing among food products. Were it actually poisonous even the most ignorant would not be misled. But masquerading under a good name it deceives even the elect and thus becomes doubly dangerous. President Harding has recently uttered some stirring words about "conscience in business." The sentiments he expressed in that splendid appeal are especially in point in the discussion of this bill. When in the name of "business" we attempt to foist upon the innocent, the poor, and the unwary a spurious article of food, it is certainly high time to call for "conscience in business," and for this reason, if no other, every vote should be cast for this bill.

I can not speak in scientific phraseology on the value of this bogus milk, but I can bring to the committee a farm illustration that will be convincing to anyone who knows farm life. If one of a pair of twin calves is allowed to take his nourishment from its mother according to nature's method and the other is taken away and fed upon separated or skim milk, even with substitutes added, is there any comparison at the end of any period of experimentation? The calf fed by nature's method will be bright-eyed, sleek-coated, symmetrical in form, and a beautiful thing for every lover of animals to look upon. The calf fed on separated or skim milk will be undersized, "poddy," and in every way inferior to its twin. The butcher, I apprehend, would have no trouble in choosing the better one for the block, even

though coconut oil, or even peanut oil, had been added to the ration of the hand-fed calf. Shall we get lost or confused in the bogs of scientific argument on the subject of nourishment in this filled-milk product when any 10-year-old farm boy sees and knows the truth in it?

The deception and fraud in the sale of this bogus product can not be too strongly emphasized, in my opinion. In order to set this out clearly, I quote, through the courtesy of Mr. A. A. Miller, editor of the Milk Producers' Review, of Philadelphia, some statements of dealers in Pennsylvania and New Jersey:

1. Sell Pet but no Hebe milk. Pet same as Hebe. (Pet, condensed; Hebe, filled.)
2. Silver Key all right; same as Borden's. (Silver Key, filled; Borden's, condensed.)
3. Hebe good as Borden's.
4. Hebe just as good as others; all alike; good for children.
5. Hebe, good milk; good for babies; yes, good for everything.
6. Recommended Hebe for babies.

Many others of similar import could be given, but these are fairly indicative of the trade practices, particularly in poorer sections of our large centers of population. We certainly should be willing and ready to prevent this deception and fraud as far as our power goes, both on account of health and moral considerations.

Something has been said, Mr. Chairman, concerning the selfish interest of dairymen in this measure. Because of the fact that whole milk is purchased by the manufacturers of filled milk, I feel that this argument is unfair. The fear of the dairyman is that the sale of this bogus milk product will discredit his whole business and thus do him immeasurable harm. He is clearly entitled to have the generally accepted high character of the whole milk product which he markets preserved. His interest in the matter is one with public interest.

Mr. Chairman, as I see this proposition it summarizes about as follows: Responding to the urge of war-time necessity, we went far afield in search of "substitutes." The use of "substitutes" tolerated under the stress of war has become strongly intrenched in our commercial life. The profit in them lures many to exert every energy to continue their use. Is it not time to right-about face? Are such practices even "good business"? Shall not the admonition of the President urging "conscience in business" be heeded?

Filled milk adds nothing to our food supply, is not perceptibly cheaper, and clearly seeks to steal the good name of whole milk, thereby endangering the whole dairy industry. Sound public policy is against it, and it is, therefore, my hope that the committee will approve this bill which prohibits it as an article of interstate commerce.

By unanimous consent leave to extend remarks was granted to Miss ROBERTSON, Mr. JONES of Texas, and Mr. CLAGUE.

Mr. JACOWAY. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, we are through raising babies at my house. We have raised eight, and we did not use condensed milk. I am still for the protection of the babies. It seems to me that when the gentleman who preceded me undertook to defend his position he sufficiently sustained our position. The gentleman says that he went to 25 merchants in this town who a year ago were selling this product as condensed milk and that they are not selling it now, because it is properly labeled. If it is properly labeled and that has produced the effect, why not simply enact a law requiring a proper label and not attack the industry? That is all the argument I have to present. But as the gentleman has given me the balance of the time I feel constrained to make a little protest against the conduct of my friend and colleague from Mississippi [Mr. SISSON]. I do not think it exactly polite and worthy of a Mississippi Congressman to stand and look down at people's ankles and then comment on their hosiery, as the gentleman did when he had the floor. [Laughter.]

Mr. VOIGT. Mr. Chairman, I yield two minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen, I have been very much surprised this afternoon in noting that there has not been a single Member on the minority side who has risen in defense of this bill. Neither have gentlemen on that side of the House shown us that this bogus milk has a single element of real food value in it. The truth of the matter is and the evidence all shows that this product which is being sold as filled milk has the vitamines taken out of it, and that is the only essential element in milk that would be of any value so far as sustaining human life is concerned. There is not a man here, raised on a farm, who remembers the time when the cream separator came into vogue who does not also recall that when he attempted to feed the calves on the milk after the separator had taken the cream out of it that the calves got thinner and thinner and that some died. Calves can not be raised on that kind of a diet. And yet this same milk is taken, mixed with coconut oil, and fed to children. [Applause.]

To permit a compound consisting of separator skimmed milk and coconut oil to be sold as a substitute for the genuine article is to permit the people's money to be taken under false pretenses. But it is argued that it is not sold as a milk sustitute. How anyone can read the labels upon the cans and the newspaper advertisements describing the virtues of the mixture and arrive at that conclusion is hard to understand. Such labels and every line of the glowing advertisements are calculated to deceive the buyers into the belief that they are really getting a superior product.

The contention that the manufacturers of "Nutro" and "Hebe" and other like concoctions are entitled to consideration, and that we have no right to destroy their investments by destroying their markets, is not impressive in view of the methods employed by them in foisting their all but worthless products upon the unsuspecting public.

Upon the one hand it is being argued by the opponents of the measure that to prohibit the shipment of filled milk in interstate commerce is to deprive the poor of a valuable food product and on the other that it will deprive the farmer of a market for his skimmed milk. Both contentions seem to me untenable. It has been demonstrated by the most convincing proofs and by actual experiments that filled milk is wholly unfit as a diet for infants or children and that it is the mother of rickets and brings on loss of vitality and impairment of vision. If injurious to children, it can have little value for adults. That it is depriving the farmer of a market for his milk is equally ill founded. Skimmed milk is a mere by-product. The more of it that can be used as a substitute for the genuine article, the less demand there will be for the whole milk. Statistics gathered by the Bureau of Markets show pretty conclusively that the compound is gradually reducing the demand for malted and evaporated milk, both of which are manufactured from the whole milk. This has resulted in a corresponding reduction of demand for the products of our dairy herds. Figures presented by the bureau, as given in the committee's report, show that the production of filled milk increased from 35,031,902 pounds in 1917 to 86,561,000 in 1920, while the production of sweetened condensed and unsweetened evaporated milk decreased from 2,030,957,618 pounds in 1919 to 1,461,140,312 in 1921. I regret that I do not have the figures at hand for the corresponding years throughout, as this would be a much more satisfactory comparison. It seems to me that the reasons for the enactment of this bill into law are most convincing and that we should have no hesitancy in supporting it.

Mr. VOIGT. Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, at the time the hearings were had on the bill this product was being sold in the city and used as food for infants. The attention of the manufacturer having been called to the fact that it was not fit for infants' food, the label was changed. The evidence discloses that there was no nutrition in the substance, and the only reason that they should not be compelled to label it "Not fit for adults" is that it was not shown that it was particularly injurious to adults. But there is no food about it, and no reason why it should be carried in commerce or manufactured. I do not know why anyone should vote to permit the sale of an article used as food that has no nutritious element in it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That whenever used in this act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 8, after the word "desiccated," strike out the period, insert a comma, and insert "and as such is an adulterated and deleterious article of food, and when marketed as such constitutes a fraud upon the public."

Mr. TOWNER. Mr. Chairman, I am justified in saying that the author of the bill and at least a part of the Agricultural Committee have agreed to this amendment.

Mr. Chairman, this amendment is offered merely on a legislative declaration of the object and purpose of the legislation. There are three grounds upon which articles of this character may be prohibited from interstate commerce. If the article is adulterated, if the article is deleterious as a food product, or if it is being marketed and the process of marketing constitutes a fraud upon the public, then interstate commerce may take cognizance of the conditions and the article may be prohibited from being shipped in interstate commerce.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. JONES of Texas. The gentleman's amendment is in line with the suggestion that I made a while ago, and would go far to remove the objections to the bill.

Mr. TOWNER. This is a legislative declaration of the fact that is claimed by the proponents of the bill. It is also a declaration of the purposes of the legislation. Of course I know that it is not binding upon the courts, but in many cases, as gentlemen who are familiar with the legal aspects of the matter know, the declaration of the legislative body in regard to the purpose of the legislation goes very far with the courts in determining whether or not it is constitutional.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WALSH. Will not this add to the allegations that must be set forth in the indictment and proved?

Mr. TOWNER. I do not know. I do not know, really, as to whether an indictment could be sustained against one who has violated the terms of the act without such allegation, but certainly it will suggest to the district attorney who is drawing the indictment that he should add this declaration. In any event none of these propositions is harmful, and they may be very important, and as such it seems to me that we are justified in asking for the approval of the amendment by the committee.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HARDY of Texas. Does the gentleman think that the recital of this alleged fact that this material is deleterious would establish it as final? In other words, does the legislative declaration make that a fact?

Mr. TOWNER. If the gentleman had been listening attentively, he would have remembered that I just said it would not be binding upon the courts. It is, however, persuasive. It indicates the purpose and object of the legislation, and if in any case it is found as a matter of fact that the particular article under investigation at that time is adulterated or is deleterious to health, or has been so marketed as to constitute a fraud upon the public, then it would be subject to regulation in interstate commerce.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MONTAGUE. As I caught the gentleman's amendment, of which I heartily approve, he undertakes to give the real reasons for the bill.

Mr. TOWNER. Yes; I think that might be properly stated of it.

Mr. MONTAGUE. In other words, that is the object and purpose of the bill.

Mr. TOWNER. Yes. It is to prevent an adulterated food from being sold; it is to prevent a deleterious food from being sold; it is to prevent a fraud upon the public.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I am in favor of this amendment. With this amendment adopted, I am in favor of this bill. It cures the imperfections of the bill beyond all question. As the bill stood there was serious question upon its face whether or not it could be declared constitutional by the courts. This adds what ought to be added to this character of legislation. I call attention to the fact that the bill prohibits the addition of any fat other than milk fat, or provides that the addition of any fat other than milk fat would prohibit the article from being entered in interstate commerce. In the powdered, dried, or desiccated milk there may be a small percentage of fat added, other than milk fat, when, as a matter of fact, all of the substance of the milk that comes from the cow in evaporated milk is retained. A little fat may be added to preserve it in the can. Without this amendment that evaporated milk would be prohibited in interstate commerce under the bill, but with the amendment proposed by the gentleman from Iowa it must be proven, as it ought to be, that it is an adulteration, that it is deleterious for food purposes, or that it is a fraud upon the public.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Does that amendment not make the definition comport with the pure food law?

Mr. RAKER. I think it does, as far as it goes, and it ought to.

Mr. WALSH. Then, if you make it comply with the pure food requirements, what is the necessity for the rest of the bill?

Mr. RAKER. Why, they have not been enforcing such laws in this instance. It may be deleterious and would be thereby prohibited from sale in a State. It may be an adulteration and it might not be prohibited by the pure food law, because you retain in the milk all of the sustenance, and if you put in oil or any fat for the preservation on account of shipment, or on account of drying, and so forth, you would be prohibited from exporting it or transporting it from one State to the other under the original bill. This amendment cures that evil, as it should be cured.

Mr. WALSH. Does the gentleman contend that the pure food law permits the sale of adulterated or deleterious substances in food?

Mr. RAKER. I do not and did not. I made no such statement, nor one that any such inference could be drawn therefrom. An adulteration that is not injurious, not against the law, is what is now before the House.

Mr. WALSH. Whether it may not be deleterious or injurious to public health?

Mr. RAKER. Oh, not at all. This would be adulteration if you put anything in it; the adulteration must be deleterious and injurious to health; must be against the pure food law.

Mr. MOORE of Virginia. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask that I may proceed for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. I suggest this as an answer to the question of the gentleman from Massachusetts, that under the pure food law the matter of what are or are not deleterious in the various foods is dealt with by regulation by the Department of Agriculture.

Mr. RAKER. And specified.

Mr. MOORE of Virginia. Now, we consider it necessary—those of us who favor this measure—to deal specifically with this subject, and I agree fully with the gentleman from California and with the gentleman from Iowa [Mr. TOWNER] that the statement of fact now to be incorporated in the bill will be most persuasive upon any court that comes to consider the constitutionality of this measure.

Mr. RAKER. The amendment should be adopted. It will give this bill a real chance for its life later.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOIGT. Mr. Chairman, the committee has no objection to this amendment, and I move that all debate upon this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

Mr. WINGO. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. Did the gentleman offer a pro forma amendment or an actual amendment?

Mr. WINGO. An actual amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out all of section 2.

Mr. WINGO. Mr. Chairman, now this section would make it unlawful to ship filled milk for any purpose, whether it is intended to feed hogs, man, or what not, across State lines—or feed poodle dogs, as some gentlemen here suggest, but I am not much interested in poodle dogs. In other words, the taking of it across the State line into the city of Texarkana for a dairyman on the edge of Texarkana to feed the hogs or any other purpose is made unlawful. But I feel fully satisfied if you want to prevent a fraud upon the public, you have already made a stump speech in the amendment already adopted, showing Congress is in favor of the present law against fraud, because you have got

plenty of laws necessary to punish every fraud that has been complained of here this afternoon, as every lawyer knows. Now, having gone on record and made a stump speech in favor of the enforcement of the present law, you ought to be satisfied without preventing the bringing of filled milk simply across the State line into Texarkana, or from Arkansas into Memphis, or from Memphis into Arkansas, or from Kansas City, Kans., to Kansas City, Mo.

In other words, you say that you are going to prevent its shipment for any purpose and make it unlawful for any purpose. Of course, that is absurd. I am glad you saw fit to tone down your preceding section by making the simple declaration of what you are in favor of; but I hope you will not go so far as to bar the shipment of a food product that may be properly used by men and, not as some one is so afraid of, by babies. Why, the lady from Oklahoma would be barred from shipping in interstate commerce any of this stuff to be used by her in making custard.

Mr. RAKER. Do you think it is just exactly the proper thing to give me any custard pie without any substance to it except the form and looks?

Mr. WINGO. I would not give you any custard pie at all; but if I should give you sawdust and told you it was food, and you did not have any more sense than to eat it, I ought not to be prosecuted; but if you were an infant and I sold you sawdust to eat, I ought to be prosecuted. Under the statute of California you could prosecute me if I sold you sawdust for breakfast food. Anyway, let the lady from Oklahoma still use the filled milk for custard, even if you do not want to use it for any other purpose. [Laughter.]

Mr. VOIGT. Mr. Chairman, I want to say a few words in opposition to this amendment. If the gentleman has the privilege of shipping milk in interstate commerce for the purpose of feeding hogs or anything else, all that would be necessary under this bill would be to color the filled milk. Then you would not violate this law. If the section as it stands now is stricken out, the bill will be killed, and I hope it will be voted down.

I move that all debate on this amendment and amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin [Mr. VOIGT].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WINGO. Mr. Chairman, I ask for a division.

The committee divided, and there were—ayes 82, noes 20.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

Mr. JONES of Texas. Mr. Chairman, the pending amendment is an amendment to strike out the paragraph. Would not the amendment offered a while ago take precedence of it in voting?

The CHAIRMAN. That has already been voted on—the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question now is on the amendment offered by the gentleman from Arkansas.

Mr. JONES of Texas. Before the vote is taken on that amendment, can the other amendment be considered?

The CHAIRMAN. What other amendment?

Mr. JONES of Texas. I have an amendment pending.

Mr. CAMPBELL of Kansas. The amendment could be presented and not be debated.

Mr. JONES of Texas. According to the ruling heretofore made by the Chair, a motion to perfect a paragraph comes before a motion to strike out the paragraph, but after the motion to strike out the paragraph I am afraid the amendment would not be admitted.

The CHAIRMAN. When the gentleman from Texas had the amendment read for information he did not intimate that he offered the amendment for consideration.

Mr. JONES of Texas. I desire to offer it now.

The CHAIRMAN. The gentleman has the right to do so. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 11, after the word "shipment," strike out the word "in," and in line 12 strike out the words "interstate or foreign commerce" and insert, after the word "milk," the following: "to any person in any other State, Territory, or District of the United States or foreign country in which it is at that time unlawful to sell, offer for sale, or tender for sale, or delivery, such milk," so that section 2, as amended, shall read: "It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship, or deliver for shipment, any filled milk to any person in any other State, Territory, or District of the United States or foreign country in which it is at that time unlawful to sell, offer for sale, or tender for sale, or delivery, such milk."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. TUCKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TUCKER. To ask about the amendment I offered a moment ago.

The CHAIRMAN. The amendment was read for information. Does the gentleman desire to offer it?

Mr. TUCKER. I do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TUCKER: Page 2, line 11, strike out the words "or to ship or deliver for shipment in interstate or foreign commerce."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. Any person violating any provision of this act shall upon conviction thereof be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both; except that no penalty shall be enforced for any such violation occurring within 30 days after this act becomes law. When construing and enforcing the provisions of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

Mr. WARD of North Carolina. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. WARD of North Carolina. Mr. Chairman, the district attorney that draws a bill of indictment under this law, and does not incorporate in that bill of indictment the Towner amendment, will have his bill of indictment quashed if there is a lawyer there and a judge on the bench; and when he puts it into his bill of indictment it has got to be proved, and unless he proves it the defendant will be acquitted, as he ought to be. [Applause.]

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Add a new section, which shall read:

"SEC. 4. This act shall take effect one year after the date of its passage."

Mr. LONDON. Mr. Chairman, I favor this bill. Adulteration of food is one of the worst manifestations of modern commercialism. The ease with which the producers of these spurious articles deceive the unwary makes this legislation necessary. As the most conservative Member of the House, I want to advise you against confiscation. [Laughter.]

I do not believe in spasms of morality. I prefer continuous moral conduct. You have permitted the manufacture of these numerous articles, samples of which have been shown here. You have permitted them in interstate commerce. Investments have been made. Men are employed in these industries. Some regard, some consideration, should be given to them and an opportunity offered to adjust themselves to the new situation which will be created by the legal declaration that these articles shall henceforth be held to be immoral, injurious, unwholesome, deleterious, and what not.

I ask that my amendment be approved. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. VOIGT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. VOIGT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. WALSH. Mr. Speaker, I ask for the reading of the engrossed bill.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman from Wyoming withhold his motion for a moment?

Mr. MONDELL. Yes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3220. An act amending sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11065. An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that May 23 they had presented to the President of the United States, for his approval, the following bills:

H. R. 9951. An act to amend section 22 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921;

H. R. 11152. An act to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York;

H. R. 10329. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 11645. An act making an appropriation to enable the Department of Justice to investigate and prosecute war frauds; and

H. R. 2193. An act to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LINTHICUM, indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill S. 2919.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks on the rent bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I renew my motion to adjourn.

The SPEAKER. The gentleman from Wyoming moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, May 25, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

616. Under clause 2 of Rule XXIV, a letter from the Director of the United States Veterans' Bureau, transmitting a draft of a bill providing for the making of allotments of appropriations by the United States Veterans' Bureau to the United States Public Health Service was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 7658. A bill to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; without amendment (Rept. No. 1029). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 11588. A bill to amend an act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines"; with amendments (Rept. No. 1030). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of New Jersey: A bill (H. R. 11772) to increase the limit of cost of the United States post office at Bayonne, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. CABLE: A bill (H. R. 11773) relative to naturalization and citizenship of married women; to the Committee on Immigration and Naturalization.

By Mr. NEWTON of Minnesota: A bill (H. R. 11774) to amend the interstate commerce act and the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 11775) to enlarge and extend the present United States courthouse, customhouse, and post-office building at Seattle, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. SINCLAIR: A bill (H. R. 11776) to promote agriculture by stabilizing the prices of certain agricultural products; to the Committee on Agriculture.

By Mr. PERLMAN: Joint resolution (H. J. Res. 332) proposing an amendment to the Constitution of the United States regarding the employment of children under 18 years of age; to the Committee on the Judiciary.

By Mr. KIESS: Concurrent resolution (H. Con. Res. 59) to provide for the printing of 3,000 additional copies of the report of the Alien Property Custodian; to the Committee on Printing.

By Mr. YOUNG: Resolution (H. Res. 353) for the immediate consideration of Senate bill 2775; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 11777) granting an increase of pension to Eliza J. Hall; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 11778) to investigate the claims of and to enroll certain persons, if entitled, with the Choctaw Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 11779) granting a pension to Alexander Seals; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 11780) for the relief of Roland Webster; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 11781) granting an increase of pension to Frank P. Collins; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 11782) granting a pension to Lucy Michener; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 11783) granting an increase of pension to Girard G. Butler; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 11784) granting a pension to Eugene Key; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 11785) granting a pension to Sarah Barnes Baker; to the Committee on Pensions.

Also, a bill (H. R. 11786) granting a pension to George W. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11787) granting a pension to Frederick B. Eldridge; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5753. By Mr. BURTON: Resolution from the American Legion at Cleveland commending the stand taken by Secretary Hughes in declining to enter into a conference with the soviets of Russia; to the Committee on Foreign Affairs.

5754. By Mr. CHRISTOPHERSON: Resolutions passed by the Black Hills Mining Men's Association, May 18, 1922, protesting against the enactment of the Denison bill; to the Committee on Interstate and Foreign Commerce.

5755. By Mr. CURRY: Petition of 14 residents of Napa County, Calif., protesting against the enactment of the pending Sunday bills; to the Committee on the District of Columbia.

5756. Also, petition of 33 residents of Vallejo, Calif., protesting against the enactment of the Sunday law; to the Committee on the District of Columbia.

5757. By Mr. KISSEL: Petition of Oriental Vegetable Oils Co., San Francisco and New York City, relative to the tariff bill (H. R. 7456); to the Committee on Ways and Means.

5758. Also, petition of Metal Trades Council, Brooklyn, N. Y., relative to House bill 11214; to the Committee on Naval Affairs.

5759. By Mr. MAPES: Petition of Presbytery of Grand Rapids, signed by Harry E. Porter, presiding officer, and Willard K. Spencer, secretary, favoring the passage of House Joint Resolution No. 131, House bill 9753, and Senate Joint Resolution No. 31; to the Committee on the Judiciary.

5760. By Mr. RAKER: Petition of Mr. C. O. Wellock, of San Anselmo, Calif., indorsing and urging the early passage of the Bursum and Morgan pension bills; to the Committee on Invalid Pensions.

5761. Also, resolution No. 27690 of the common council of the city of San Diego, Calif., indorsing and urging the passage of House bill 11449, to provide for the protection and development of the lower Colorado River Basin; to the Committee on Irrigation of Arid Lands.

5762. Also, petition of the Oakland Chamber of Commerce, of Oakland, Calif.; the Stockton Chamber of Commerce, of Stockton, Calif.; the Growers National Bank and the L. Powers Fruit Co., of Fresno, Calif., all protesting against any change in the transportation act of 1920 as proposed by the Sweet and Capper bills (H. R. 6861 and S. 1150); to the Committee on Interstate and Foreign Commerce.

5763. Also, petition of Grand Commandery of Knights Templar of the State of California, the Grand Council of Royal and Select Masters of the State of California, and the Grand Chapter of Royal Arch Masons of the State of California, advocating and indorsing the Towner-Sterling bill, which has for its purpose the improvement of educational facilities in the United States; to the Committee on Education.

5764. Also, petition of Chamber of Commerce of the State of New York, favoring the merchant marine bill; to the Committee on Merchant Marine and Fisheries.

5765. Also, petition of the Rice Millers' Association, of New Orleans, relative to tariff rates on rice; Frank O. Sundquist and Trobeck & Johnson, of Los Angeles, Calif., protesting against paragraph 1116 of the tariff bill; to the Committee on Ways and Means.

5766. Also, petition of Texas Chamber of Commerce, Dallas, Tex., relative to tax-free securities, and Charles Tartaglia & Bros., of Los Angeles, protesting against paragraph 1116 of the tariff bill (H. R. 7456); to the Committee on Ways and Means.

5767. Also, petition of the National Dairy Union, Washington, D. C., indorsing House bill 8086; to the Committee on Agriculture.

5768. Also, petition of the Pacific Rod & Gun Club, of San Francisco, Calif., indorsing and urging the passage of House bill 5823, known as the public shooting and game refuge bill; to the Committee on Agriculture.

5769. Also, petition of Camp St. Louis, No. 731, United Confederate Veterans, St. Louis, Mo., relative to amendment of the statutes concerning the soldiers' homes maintained by the Federal Government; to the Committee on Military Affairs.

5770. By Mr. SMITH of Idaho: Petition of citizens of Fairfield, Idaho, favoring the enactment of the Voigt bill (H. R. 8086), to prohibit shipment of filled milk in interstate or foreign commerce; to the Committee on Agriculture.

5771. By Mr. SNYDER: Petition of Ralph Crego, Charles E. Garlock, William Gibson, Herkimer, N. Y., and L. A. White, Utica, N. Y., favoring the passage of the Chandler pension bill (H. R. 9198), increasing the pensions of volunteers serving in the war with Spain or China or Philippine expeditions; to the Committee on Pensions.

5772. By Mr. WOODS of Virginia: Petition of Frances L. Brophy and others of the sixth Virginia district, asking for a fair duty on imported kid gloves; to the Committee on Ways and Means.

5773. Also, resolutions adopted by the Sons and Daughters of Liberty, Roanoke, Va., representing more than 300 members, urging the passage of the Towner education bill; to the Committee on Education.